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**Legislative Assembly  
of Ontario**

Third Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Troisième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 26 November 2002**

**Mardi 26 novembre 2002**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 26 November 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 26 novembre 2002

*The House met at 1330.*

*Prayers.*

## MEMBERS' STATEMENTS

### CARDIAC CARE

**Mr Dominic Agostino (Hamilton East):** I rise today to inform this House of a shocking report that was published today in the Canadian Medical Association Journal. Over a two-year period, this study shows that 50 patients died while waiting for an angiogram at the Hamilton General Hospital, 32 had heart attacks and 41 had congestive heart failure. In this particular institution that serves over two million people, 63% of individuals do not get an angiogram in the time slot recommended by their family physician. There are currently almost 500 people on the waiting list, the largest waiting list in Ontario.

What is even more shocking is that this government was warned. In 1999 the hospital made a submission for an extra lab. This government was warned that people were going to die on waiting lists, and they ignored this warning. This government was warned that people could not wait six months for an angiogram, as they have been. They ignored that warning and people died. I spoke to this issue in this House. They finally moved a couple of months ago, but the new lab will not be ready for another 24 months. How many more people have to die on waiting lists because of this government's neglect, incompetence and mismanagement of health care?

It is disgraceful that in Ontario in the year 2002, 50 Hamiltonians on a waiting list for two years had to die while this government did absolutely nothing and continued to ignore the demands for expanded facilities at this cardiac unit. It is a blight on this government. It is a disgrace beyond words.

How do you tell the families of those 50 people that those lives could have been saved had this government listened to the hospital, had this government listened to those of us in the House who said it is unacceptable for people to wait? It is disgraceful, and this government will have to pay a price for this. They owe an explanation to the families of those Ontarians and Hamiltonians who died on waiting lists because of sheer incompetence and neglect by this government.

### CENTRAL NORTH CORRECTIONAL CENTRE

**Mr Garfield Dunlop (Simcoe North):** I rise in the House today to congratulate a successful public-private partnership in my riding of Simcoe North.

Last night, the Ministry of Public Safety and Security, and Management and Training Corp Canada, were honoured by the Canadian Council for Public-Private Partnerships. They jointly received the prestigious gold award for service delivery for the Central North Correctional Centre project in the town of Penetanguishene.

This award comes only one year after the Central North Correctional Centre first opened its doors. It is a fitting tribute to the high level of ongoing co-operation between the ministry, MTCC and the community.

Central North Correctional Centre, better known in my community as the superjail, is Canada's first publicly owned, privately operated adult correctional facility. MTCC manages the facility. The Ministry of Public Safety and Security ensures that MTCC meets the high safety and security standards that apply to the operation of all correctional facilities in this province.

Our positive experience with the correctional centre has attracted attention from other parts of Canada. For example, I recently hosted a delegation from Alberta at the superjail. Looking to perhaps follow an excellent lead, the province of Alberta was interested in learning about what has made the project so successful.

The correctional centre has represented a win-win situation for everyone involved, including the inmates, who benefit from rehabilitation programs, and the community, which benefits from 360 more jobs and \$20 million invested directly into the community.

Last night, with the presentation of the gold award for service delivery, the jail stood out as a stellar example of how our government and the private sector can work together to better the safety and security of our citizens.

### GROWING STRONG COMMUNITIES

**Mr Dave Levac (Brant):** I rise in the House today to highlight some of the commitments made by our leader, Dalton McGuinty, in the Growing Strong Communities plan introduced yesterday.

The people of Ontario want to know that they live in safe and secure neighbourhoods. The Ontario Liberals are committed to protecting Ontario families by placing



an additional 1,000 net front-line police officers directly on the streets and highways of Ontario. We recognize that there is a need for increased security on our streets, and we are providing that commitment to the people of Ontario.

It's interesting to note that Ernie Eves's throne speech in May did not mention fighting crime once. The Ontario Liberals have taken and continue to take a stand to protect Ontario citizens, while this government has consistently slid away from promises to provide more support to keep our streets safe.

I want to take a moment to commend our front-line police officers who go out day after day to protect the residents of Ontario and provide many services that continue to make our community safe. Dalton McGuinty and the Ontario Liberals are committed to providing more support for our front-line officers by placing more officers on those streets. I am certain that this will be a welcome addition to municipalities that are struggling to cover the costs of police services due to the outrageous downloading that the Harris-Eves government has imposed on them for the last seven years.

While this government is preoccupied with fixing the mistakes they've made, the Ontario Liberals are providing a clear alternative to the promises to make Ontario a better place to work, live and raise a family.

### LABOUR DISPUTE

**Ms Shelley Martel (Nickel Belt):** The labour dispute at the Sudbury Star is now into its eighth week. Some 75 workers—reporters, circulation and clerical staff, advertising sales people, pressroom and maintenance staff—were locked out by the employer on October 5, 2002. The lockout occurred after the union's negotiating team had already agreed to take the company's final offer to the membership for a vote.

The issues in dispute include wages—one third of the journalists are making \$8 to \$9 an hour; pensions—some of the unionized staff don't have one; and a guarantee of no layoffs when the lockout is over. This appears to have been the corporate message to workers when the Osprey Media Group took over the newspaper operation several years ago. From day one the employer has used scabs to produce the daily paper. They can do so thanks to the policies of this Conservative government. When employers use scabs, there is no incentive for them to get to the bargaining table to negotiate a collective agreement, and that's what's happening in Sudbury.

In December 2000, I introduced a private member's bill to prohibit employers from using scabs in strikes and lockouts. Today my colleague Peter Kormos, the NDP labour critic, will introduce another anti-scab bill. Its provisions are the same as the ones we had in place when we were the government. It's time to end scab labour in Ontario for workers at the Sudbury Star and for every other worker who is undermined every day by employers using scabs in strikes and lockouts.

### ELECTRONIC MEDICAL RECORDS

**Mr Bert Johnson (Perth-Middlesex):** During constituency week I attended an event at Listowel Memorial Hospital in my riding of Perth-Middlesex. The event was to mark the successful completion of the first half of a project to transfer all of the hospital's patient medical records to electronic format. While this is not unusual, there are two unique aspects to Listowel's project. The Listowel clinic of more than a dozen doctors is benefiting from putting all its patients' medical records on the same electronic format so that when a patient of a doctor at the clinic comes in to, say, emergency, the emergency room doctor will have access to their complete medical record, including allergies, past medical tests and blood work results and prescriptions. The benefit to patients will be great. Access to complete medical records will mean fewer errors and less paperwork, leaving doctors and nurses with more time to spend with patients.

The second unique thing about the Listowel project is that it is being completed on budget. That is not surprising for Listowel Memorial Hospital, which is noted for being efficient and providing high-quality services while operating within its budget.

I want to take this opportunity to publicly congratulate the board of trustees, the management and staff at the Listowel Memorial Hospital and all of the doctors at the Listowel clinic. In particular I want to recognize chief of staff Dr Barry Neable, as well as Brent Boshart and Mike LaPaine, who have undertaken and are working on this project.

### ONTARIO NORTHLAND RAILWAY

**Mr David Ramsay (Timiskaming-Cochrane):** Following the government's announcement last month that CN Rail would be given the nod to enter into exclusive negotiations to purchase the government-owned Ontario Northland Railway, the member from Nipissing, soon-to-be-unseated AL McDonald, asked Northern Development and Mines Minister Jim Wilson about the government position on protecting the ONR jobs. Wilson answered in the House that CN "had the best proposal at this time to protect jobs." Well, what happened today? In the midst of these negotiations, CN lays off 1,146 workers. So much for job protection.

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Just last Thursday, CN officials met with the Northeastern Ontario Mayors Action Group to tell them how good a deal this would be for jobs in northeastern Ontario. Wow, what a poker face these CN officials must have put on.

Today's announcement, coming in the midst of these negotiations, shows how insignificant a deal this is to CN. Normally, wouldn't such an announcement scare off such a deal, or is this already a done deal?

This is corporate culture at its worst. It's all about shareholder value and the bottom line and not about our people. If this purchase is so important to CN, how can



we be assured that they will take our part of northeastern Ontario seriously, provide good service and protect jobs?

Is this a good deal for northeastern Ontario? I don't think so.

### SCARECROW INVASION AND FAMILY FESTIVAL

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I rise in the House today to congratulate the success of the sixth annual Scarecrow Invasion and Family Festival in Meaford. It included the efforts and hard work of a group of people in my riding of Bruce-Grey-Owen Sound who dedicated countless hours of their time to help make this event spectacular.

The event is sponsored by the Meaford Business Improvement Association and the Meaford Chamber of Commerce. These people include a list of 10 organizers: Marilyn Morris, Donna Gorrie, Kate Belec, Joan Cooper, Chris Curry, Denise Horvath, Brad Johnston, Janet Juniper, Laura Tannis, Dennis Smith, Mary Woods and Laurie Adams. In addition, there were over 125 volunteers.

The scarecrow invasion is designed to build community spirit and pride, increase shopping in the business areas and overall tourism in the county.

From mid-September until after Thanksgiving, residents and visitors were treated to the sight of thousands of wacky scarecrows throughout the municipality of Meaford. The event was so successful that Meaford is competing for the Guinness Book of World Records challenge. The community-based scarecrow invasion promoted itself by simple, localized hard work from the many volunteers and staff of this municipality. It is truly a community-based event.

The media coverage was phenomenal. It included local, national and international exposure. It allowed everyone from Korea to England to Alberta to see just how community-oriented Meaford is. The interest shown in this event by the media was outstanding, and next year will be even bigger.

I congratulate all those involved in the success of this event and wish them the best in the seventh annual Scarecrow Invasion and Family Festival.

### BOB AND BONNIE DAGENAI

**Mr Richard Patten (Ottawa Centre):** I rise today to pay tribute to two Ottawa educators who were brutally slain on the weekend as a result of a bungled break and enter while they were enjoying their first months of retirement at their nearby cottage.

Bob Dagenais started his career as a teacher and retired as a principal. He served as a principal in three high schools, including Glebe Collegiate Institute in my riding, where I knew him. He was very well loved and well respected by students and staff alike.

Bob's wife, Bonnie Dagenais, was a retired teacher from Broadview Avenue Public School, also in my

riding, where she taught grade 3 for the last 10 years. She was described by her colleagues as a talented teacher with a heart of gold.

These senseless deaths have left the Ottawa education community grief-stricken. Bob and Bonnie Dagenais will be sorely missed.

I echo a comment made by Ron Lynch, the director of education for the board, in which he said, "There are hundreds of staff and students who were impacted by the grace and goodness that characterized Bob and Bonnie. Their contributions to the educational needs of this community were monumental."

Bob and Bonnie, on behalf of everyone in our community, thank you for your exceptional contributions toward the education of our children. It is estimated that together you have touched directly over 4,000 young people in Ottawa.

On behalf of all the members of the Legislature, I extend sincerest sympathies and condolences to family and friends.

### FIVE COUNTIES CHILDREN'S CENTRE

**Mr R. Gary Stewart (Peterborough):** I recently had the privilege of touring the Five Counties Children's Centre, located in my riding of Peterborough, and was informed of the impact that the province's increase in base funding and fiscal one-time dollars had on the centre—\$499,000 to be exact. From reducing the backlog of outstanding assessments for children, to purchasing new assistive devices, improving building standards and moving the technology equipment into the 21st century, this money has been put to good use.

I'd also like to tell you about a young man who is 14 years old, a client of the centre and who wrote a letter about his experience. At the age of seven, this young man was severely injured in an automobile accident. As a result of the accident, he was unable to speak spontaneously like we can. The centre tried without success to find a computer system that would assist him while communicating.

I'd like to read an excerpt from his letter: "It took too long to get to the point where the computer would talk for me. I tried to call a taxi one time but they hung up on me before my computer said hello. Finally, in February 2002, they found the Light Writer, and since then I haven't been able to shut up. When I first came to the centre, I couldn't walk or even stand by myself. Five Counties helped me get a wheelchair and gave me wheelchair driving lessons. The physio department found me a one-of-a-kind special walker to help me learn to walk again. I have the only one like it in Canada. They found me canes, and now I can walk all by myself."

This is just one of the many great stories about the children in Peterborough county who receive wonderful treatment and therapy from Five Counties Children's Centre.



## CONSIDERATION OF BILL 211

**The Speaker (Hon Gary Carr):** I beg to inform the House that, pursuant to standing order 69(b), the House leader of the third party, the member for Niagara Centre, has notified the Clerk of his intention to file notice of a reasoned amendment to the motion for second reading of Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board. The order for second reading of Bill 211 may therefore not be called today.

## INTRODUCTION OF BILLS

JUSTICE STATUTE LAW  
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT DES LOIS  
DANS LE DOMAINE DE LA JUSTICE

Mr Young moved first reading of the following bill:

Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The Attorney General for a short statement?

**Hon David Young (Attorney General, minister responsible for native affairs):** The proposed legislation would modernize outdated laws, improve access to the justice system for middle- and lower-income Ontarians and protect the public's confidence in their investments.

The bill introduced today would regulate contingency fee agreements, consolidate dozens of limitation periods into one clear statute and provide a legislative framework for the important work being done by Professor Ron Daniels.

I look forward to debating this bill at second reading.

LABOUR RELATIONS  
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT LA LOI  
SUR LES RELATIONS DE TRAVAIL

Mr Kormos moved first reading of the following bill:

Bill 214, An Act to amend the Labour Relations Act, 1995 / Projet de loi 214, Loi modifiant la Loi de 1995 sur les relations de travail.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The member for a short statement?

**Mr Peter Kormos (Niagara Centre):** The purpose of the bill is to restore the provisions that were incorporated into the Labour Relations Act by the Labour Relations and Employment Statute Law Amendment Act of 1992 during the NDP government and subsequently repealed by the Labour Relations Act, 1995, by, of course, the Conservative government.

The purpose of the provisions being restored is to prevent an employer from replacing striking or locked-out employees with scabs, a term that is defined in the bill. The bill allows scabs to be used in emergencies.

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## ORAL QUESTIONS

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I'd like to stand down the first question. We're waiting for the arrival of the Premier.

**The Speaker (Hon Gary Carr):** We'll stand down the first question then. The second question, the member for Hastings-Frontenac-Lennox and Addington.

## FAMILY RESPONSIBILITY OFFICE

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is to the Minister of Community, Family and Children's Services. On the Harris-Eves watch, single-parent families are being abandoned not once, but twice. Deadbeats are forsaking their families to a life of poverty, and your government is forsaking those families to your dysfunctional Family Responsibility Office.

When the Provincial Auditor looked at the FRO, he found that 75% of the cases were in arrears, with more than \$1.2 billion owing to children and their custodial parents—a most damning indictment. The auditor found that more aggressive enforcement measures, such as drivers' licence or passport suspension, bank account garnishment or a default hearing, were seldom pursued. I get dozens of FRO calls every week. Nothing has changed. If anything, things are getting worse. Minister,

why are you sentencing thousands of children in this province to a life of poverty?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for the question. This government very much cares about taking care of families, particularly in situations where we have single parents who are seeking assistance from parents who no longer live in the family. That's why we have made a number of changes to improve the Family Responsibility Office, to collect more money, a great deal more money, for support payments that are court ordered.

That's why in 1997 this government began by introducing a number of tougher reform measures, including suspending drivers' licences, including garnisheeing bank accounts, including using collection agencies. We now are beginning to see the results of those changes. In 1994-95, \$368 million was collected in court-ordered support payments. I'm now pleased to report that that has increased by 50%, to \$555 million in the year 2001-02.

**Mrs Dombrowsky:** Minister, the auditor's most recent report was very clear. You have failed to respond to his damning findings at FRO, and the hundreds of calls to my office and to the offices of every member of this Legislature confirm that.

Let me tell you about Pam. She is forced to raise her two children with a top-up from Ontario Works because the FRO is incapable of getting her husband to pay his child support. Yesterday, my leader released a plan to help Pam and thousands like her. It's tough on deadbeats. I know you're against our plan, but Pam thinks it's great. Your government has abandoned her. How can you abandon Pam and her children with your complete mismanagement at the FRO?

**Hon Mrs Elliott:** Our government has undertaken a number of initiatives. I didn't mention this in the first part of my response, but it's our government that has developed reciprocal relations with the United States so that we can find those payers who are reluctant to make sure their families are properly taken care of. It's our government that has aggressively pursued them to make sure these payments are made.

Can we do more? Obviously we can do more. Have we seen changes? Well, yes. For instance, just a few years ago the speed at which payments used to be turned around was much slower. It used to take up to 10 days for a payment to be turned around. What is the time now? We can now turn around a support payment in less than 48 hours.

**Mrs Dombrowsky:** Let me tell you about this turnaround time, Minister. If you're so tough, tell me why Sue in my riding has been waiting for support for two years. She's owed \$12,000 in child support.

Minister, the auditor already exposed that you are tough on rhetoric but soft on deadbeats. You don't have the guts to use the enforcement measures you already have. Dalton McGuinty will post the names of deadbeat parents on a Web site, and he will take away their

drivers' licences, because no child in this province should be abandoned.

I know you're against our plan and I know that you're against real action to help children in this province. The Family Responsibility Office is an abysmal failure. There are thousands of people like Pam waiting for support, and they are angry at your failure to take tough action. Minister, how can you defend this shameful record of abandoning children in the province to a life of poverty?

**Hon Mrs Elliott:** My colleague, I think, is forgetting that we have made tremendous improvements. We have increased millions and millions of dollars we've collected to go directly to families. Is there more to do? There's always more to do in every single system we are responsible for. But a number of changes, and I'll add some of the other changes we've made to improve the family support office: 85% of all court-ordered support payments now are deposited directly into the recipients' bank accounts; 1,900 calls are handled a day; 17,000 callers are spoken to from Monday through Friday and 11,000 responded to on the weekend. We're trying very hard to be responsive.

My colleague across the way talks about drivers' licences, and I remind her that it's our government that first established this particular process. It's another one of the measures we've undertaken to find those payers, make them pay and take care of the children of Ontario, who deserve our care.

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I'd like to stand down my lead.

**The Speaker (Hon Gary Carr):** Yes. We'll continue and we'll go to the NDP in the rotation, if we could. They're standing down the question. No? OK.

## PENSION PLANS

**Mr George Smitherman (Toronto Centre-Rosedale):** My question is to the Premier and it relates to Bill 198, this government's budget bill, which includes provisions related to pensions. Mr Premier, you will be aware that on Friday the Superior Court here in Ontario ruled that terminated employees "have the right to have distributed that portion of the surplus that relates to that part of the pension plan being wound up." Yet your own legislation says under section 78.1:

"(3) If the windup report approved by the superintendent for a partial windup indicates that the pension plan has a surplus as of the effective date of the partial windup,

"(a) it is not necessary to pay surplus out of the pension plan on the partial windup unless the pension plan requires it."

This is clear evidence that your plan strips away the hard-fought rights of employees to access their surpluses. Will you withdraw this portion of the bill today, Mr Premier?



**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** There is no intention on the part of the government to do what the member is suggesting—

*Interjections.*

**Hon Mr Eves:** Just a minute—and if that is what some people are interpreting that section to say, then you have the government's undertaking that we will not proclaim that section, that we will consult with representatives of labour and of management to sit down and go over the solution to the problem. Quite simply put, there is a very basic principle here: that employees and employers should be entitled to share in any surplus that is being distributed, whether it's on a partial windup or a total windup.

There may be circumstances where there has been agreement as to who's entitled to that ahead of time, and if there's an agreement, then there's an agreement with respect to that. But if there is not, I share the member's concern.

**Mr Smitherman:** Notwithstanding your expression of concern, Mr Premier, your words do very little to reflect your understanding of the legislation. I've sent you over a copy of it and I urge you to read it.

I'd like to read this into the record too. This is from Mercer consulting, one of the leading members of the ACPM that the minister consulted with in the development of this bill. This is their analysis of the Monsanto ruling and its impact on other pensions. I'll read you just one line of it: "If enacted, this legislation would reverse the finding in Monsanto for plans other than Monsanto's."

Mr Premier, with all the evidence that has been compiled about your flawed consultation and about the fact that your legislation does exactly what the opposition has claimed it does, will you stand in your place today and as an honourable person agree that this has been done badly and that you will withdraw it?

**Hon Mr Eves:** I've already given the honourable member a commitment that we will not proclaim that section of the bill and that we will sit down with representatives of both labour and management and make sure there is an understanding that surpluses are to be shared equally between employees and employers unless there is an agreement and an understanding to the contrary.

1400

**Mr Smitherman:** All your assurances aside, unfortunately the reality is that the legislation you presented before this House and intend to have passed by all of your seals over there is legislation that takes away the rights of employees. If it isn't clear enough to you from reading your own legislation and from reading the Mercer ruling on Monsanto, Mr Premier, then you need a little sober second thought on this. You can't be trusted on this. Your consultation was flawed. The words you offer are in dramatic difference from what your legislation proposes. Will you stand in your place today and withdraw this legislation so you can get it right?

**Hon Mr Eves:** I have always supported the employees' share of surpluses in pension plans, and I'm standing in my place today and making a commitment that this section will not be proclaimed until everybody has the understanding as to what it means. And if the honourable member turns out to be correct and the section isn't properly worded, we will change the section and it will never be proclaimed. Is that satisfactory?

## TENANT PROTECTION

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Canada Mortgage and Housing Corporation numbers released today show that apartment rents in Ontario cities continue to rise. Since your government changed the rent laws to favour landlords, the average tenant in Toronto is paying \$2,712 more a year for a two-bedroom apartment. That's \$2,712 going right out of the tenant's pocket to the landlord. It's time to give tenants a break. New Democrats propose a two-year rent freeze. Since your government is responsible for this, will you implement a two-year rent freeze, or are you going to continue picking tenants' pockets?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The Minister of Municipal Affairs will respond.

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** The CMHC report today was good news. It shows the vacancy rate is actually improving for renters in this province from last year. It's up to 2.7%, a little different from what you've been saying around here for the last year. Housing starts are at record numbers, and more people own homes. As for affordable rents, if you want to compare our record to your record on what you allowed rents to go up each year under your formula when you were in government for five years, I'd do that comparison any day of the week. Ours are still lower by far than yours ever were.

**Mr Hampton:** The reason that the vacancy rate appears to be going up is because all kinds of people can't afford the extra \$2,700 a year. In fact, statistics Canada tells us that since you brought in your landlord rent legislation, 40,000 units of apartment housing have disappeared. There's not more supply, there's less, but people can't afford it. In 1997, rent for a two-bedroom apartment in Toronto was \$821. Now, it's \$1,047 a month. That's how much it's gone up.

Will you recognize that you are literally taking money out of the pockets of tenants and putting it in the hands of landlords? Will you implement a two-year rent freeze and give tenants a break for a change?

**Hon Mr Hodgson:** The answer is no. The province saw your policies didn't work. We had rent control, and now the Liberals want to go back to the future when there's absolutely no investment in rental or any kind of housing stock in this province. What we're trying to do—the market is working, but there are some people who need help. We've got shelter allowances that we're improving to help people. We've signed the federal govern-

ment accord to build 10,500 more units of affordable housing. The TPA, the formula that allows landlords to raise rents, is actually less under this government than it was under your government.

**Mr Hampton:** Minister, it gets worse for tenants, because as a result of the hydro price increases this summer, landlords have already applied for an extraordinary rent increase. Landlords are going to stick the tenants with another rate increase, but when your pre-election rebates and rate caps for Hydro come out, nowhere in your legislation does it provide for that money to go to the tenants. So the tenants get stuck with higher rent. Meanwhile, you funnel the rebate into the pockets of your landlord friends. Is this a deliberate strategy to put the screws to tenants one more time, or did you just hope that no one would notice this?

**Hon Mr Hodgson:** That's not my understanding. The hydro policy enunciated by the Minister of Energy will be fair to the tenants as well, as it is to all home owners and consumers. I can say, though, that it's easy to make promises when you're the third party. You might be reminded that when you campaigned on An Agenda for People, you campaigned on a 10% rent reduction. That never happened. In fact you increased it year after year when you were in government.

#### PRIVATE HEALTH CARE SERVICES

**Mr Howard Hampton (Kenora-Rainy River):** A question for the Premier: All of your grand schemes to privatize Hydro have created a monstrous disaster, yet your government wants to plough ahead with privatizing more and more of our health care system. Reports indicate that Mr Romanow is going to call for a national home care program and is going to call for it to be protected under the Canada Health Act. Two years ago, a coroner's inquest in the death of young Joshua Fleuelling concluded that your government's privatization of our home care services backed up hospital emergency rooms, and that led to the death of that young man. That coroner's inquest demanded that you cancel for-profit home care. Your government privatized the delivery of home care. Will you now recognize that it is time for a publicly funded, publicly administered system of home care, and will you do the right thing?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** First of all, that information the leader of the third party provided is not factually correct. Second, he presumes that he knows what Mr Romanow's report is going to say on Thursday morning. I can tell the honourable member I have had two lengthy discussions with Mr Romanow over the last few months and I can assure you that Mr Romanow doesn't think any part of Ontario's health care system is "off-side."

**Mr Hampton:** Here's the reality of for-profit delivery of home care. Wages of home care providers, the workers, have plummeted. The control of community care access centres has been taken out of the community and seized by your government. Thousands of Ontario sen-

iors and disabled have been cut off home care. They have been told home care services are no longer available.

Premier, admit it, your Hydro privatization scheme has been a complete disaster. When the Romanow commission is giving every indication that they're going to oppose any further privatization of the health care system, why do you insist on ploughing ahead with more private delivery, more for-profit delivery of health care?

**Hon Mr Eves:** First of all, the health care system, not just in the province of Ontario but in virtually every province across this country, has about, as he well knows, 30% to 40% of the money in privately operated facilities in one way, shape, form or another, whether it's diagnostic procedures such as blood testing, whether it's kidney dialysis or whether it's some other form. The reality is, and what differentiates the Canadian system from other systems, is that it all goes through a publicly administered, equally accessible universal health care system. That principle has never been deviated from in Ontario, nor will it be as we go forward, and we look forward to Mr Romanow's report on Thursday morning.

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#### CANCER SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. Over a year ago your government set out to merge regional cancer centres with local hospitals, and you appointed Dr Alan Hudson to head a committee that would implement your directions. The negative response to this plan from cancer patients and from cancer care advocates forced you to retreat, at least publicly.

The committee report recommended "that the current structure of governance and management (of the regional centres) should remain at this time." It appears all that that did was give you the time you needed to get the issue out of the public eye so you could go ahead and do what you always intended to do. You are now moving ahead to merge regional cancer centres with hospitals. You appointed Dr Hudson to head Cancer Care Ontario, and he is proceeding "at your direction," as his newsletter states, to put both the budgets and the employees of cancer centres under the control of the hospital.

Minister, this is not just a plan to integrate cancer services for patients; this is a merger. Why are you proceeding with a merger that nobody wanted except you and Dr Hudson?

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable member's facts are wrong. The fact of the matter is that this is a plan that has been approved by the board of Cancer Care Ontario. It has gone about its business to have individual meetings with individual hospitals that also deliver cancer services across this province.

This is a plan not to merge but to integrate services so the cancer patient has the ability to understand who is responsible for what in the system so their care is better,



more humane, more accessible and of a higher quality, quite frankly.

This is a plan that has been agreed to by all of the major players who are delivering cancer services. Why are you opposed to something that is agreed to for better cancer services for the people of Ontario?

**Mrs McLeod:** Minister, I do agree with you that most of the consultation that was done on this was done in private. I also happen to know that the private ones were just as negative as the public one that you carried out.

Let me read you what Cancer Care Ontario had to say before Dr Hudson was appointed to do what you wanted done. In a confidential report submitted to the implementation committee, Cancer Care Ontario said, "The type of integration and other solutions that are required will not be found in giving hospitals operational control of the regional cancer centres. Indeed, such a move would likely exacerbate existing human resource shortages and, in and of itself, do virtually nothing to shorten waits for cancer surgery or improve access to diagnostic services."

Nothing has changed since then except the leadership of Cancer Care Ontario. Waiting times for diagnosis and treatment for cancer patients was a very big issue when you decided that you were going to merge regional centres with hospitals. So you wonder what happens to the waiting lists now. Do they disappear because you won't be keeping them any more? What happens to so-called dedicated budgets when the Provincial Auditor can't go in and examine the books?

I received an e-mail from one distraught cancer patient who has heard what is happening. He says, "Cancer patients have a right to know what is being done to their most important medical asset." I ask, do you agree with that? Will you make public exactly what you are doing with regional cancer centres in this province?

**Hon Mr Clement:** I'll go one better than what the honourable member suggests. We have appointed an eminent person who is going to be in charge of making sure that we get quality results for our cancer sufferers. Perhaps you've heard of him. His name is Michael Decter, and he is in charge of that file. So the honourable member can be assured that we are concerned as much about the quality of cancer care as about the process by which it is done.

I would say to the honourable member opposite, if she's got a problem with Dr Alan Hudson, the most pre-eminent neurosurgeon in the country, who has had experience at Princess Margaret Hospital, who is now heading up Cancer Care Ontario, she should stand in her place right now and say what her problem is with Dr Hudson, because he is doing the thing that is necessary to ensure that we have quality cancer care throughout the province of Ontario for all cancer sufferers, in an integrated manner. Better quality cancer care is what this government is all about.

## AGRICULTURAL LABOUR POLICY

**Mr Bert Johnson (Perth-Middlesex):** My question is for the active and dynamic Minister of Agriculture, the Honourable Helen Johns. I, along with a lot of my colleagues, have been attending a number of events this week at the annual convention of the Ontario Federation of Agriculture. The convention, as always, provides farmers with a series of workshops and seminars on issues of importance to agriculture and rural Ontario.

I am aware that on the agenda for this afternoon, the long gone missing leader of the Liberal Party is scheduled to speak at this convention. Could you speculate on what the leader might say about agricultural labour?

**Hon Helen Johns (Minister of Agriculture and Food):** I'd like to thank the member from Perth-Middlesex for the question. I know he has a large agricultural riding and is always concerned about the issues. It would be interesting today to hear what the leader of the Liberal Party is saying about his position on Bill 187, the Agricultural Employees Protection Act, which passed in the Legislature last week. As I recall, the Liberals abstained from voting on the first reading, noting that they didn't have sufficient time to make a decision, even though we had just completed significant public consultations. Last week, the leader of the Liberal Party stated that he would allow full unionization and also that this bill was only the first step. The right to associate would go one step further: "We're going to allow workers working for large employers in the agricultural sector the right to form a union."

The farm groups have been clear on this issue: a farm is a farm is a farm and a Liberal is a flip-flop.

**Mr Johnson:** Thank you very much, Minister. I enjoyed not only the knowledge you conveyed to me in that, but the way you did it.

I'm also very aware that recently the member for Vaughan-King-Aurora and the president of the Liberal Party, the wannabe leader of the Liberal Party, also made some interesting remarks regarding Bill 187. Could you comment also on these statements and provide some indication of what these Liberal positions mean for Ontario farmers?

**Hon Mrs Johns:** Once again the position from the member for Vaughan-King-Aurora is the latest in a series of confusing Liberal statements on agricultural labour. Yesterday, this member was quoted as saying, "I think we have to repeal it" Bill 187 "and do something different down the road." So now the leader says it's the first step and the party president says, "No, let's repeal it." Perhaps the party president should be addressing the Ontario Federation of Agriculture today to explain his position.

We on this side of the House have consistently stated that farmers need protection from labour disruption at critical times such as planting and harvesting. We have also addressed the decision of the Supreme Court of Canada respecting the individual and constitutional rights of the employees.

Once again, in Toronto they're saying one thing; in the agricultural community they're saying something else. It happens in agriculture. It happens in education. It's happening all the time.

### FOREIGN-TRAINED DOCTORS

**Mrs Sandra Pupatello (Windsor West):** My question is for the Premier. Last Thursday many people were stuffed into a room to listen to your announcement on foreign-trained physicians. During that announcement, you announced that you would have 656 new doctors practising in Ontario in the next five years. Now that the details are known, would you kindly stand up and correct the record?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I think the Minister of Health can deal with this question.

**Hon Tony Clement (Minister of Health and Long-Term Care):** As the honourable member should have been aware at the time, we announced an eight-point, \$36.4-million plan that will reduce the barriers to registration and assessment and training for international medical graduates and other non-licensed physicians without reducing our standard of care. It means improving our physician recruitment and retention, it means creating up to 85 new post-graduate training positions and it means creating a single, integrated, coordinated system for assessing and training IMGs; it provides further funding for the IMG assessment program and provides funding for the physician-extender, three-year pilot project. That means next year alone there will be 150 new IMGs for the province of Ontario practising their skills, being part of our community, integrated into our society—better health care, more health care for the people of Ontario.

**Mrs Pupatello:** Well, I wish the Premier had answered this, because he made the announcement. What he said was 656 new doctors would be working. We have over 1,500 foreign-trained physicians who were desperately seeking news last Thursday. What happened instead, and what we know now, is that 300 of those 600-and-some doctors are doctors who are already here practising as general practitioners, who are now going to be called specialists. That's not 656 new doctors, is it? That is not 656 new doctors.

You are just stringing these people along, making them believe that you're actually helping them. Your own ministry spokesperson has confirmed that the eligibility does not change with any of your announcements. Last spring, we had to hear you announce your new fast-tracking. Please explain why again last Thursday you announced a new fast track.

All you are is talk, Minister and Premier. You are doing nothing to assist these people who have been waiting for a good announcement. You misled the public on that announcement last Thursday.

1420

**The Speaker (Hon Gary Carr):** The member is going to have to withdraw that.

**Mrs Pupatello:** I withdraw "misled."

**Hon Mr Clement:** Nothing could be further from the truth. It does not make sense to have foreign medical graduates who do not have the ability to practise at all when they have the skills and training, nor does it make sense to have physicians who are foreign medical graduates who do not practise to the top level of their skill. We are allowing both to have access—

*Interjection.*

**The Speaker:** Order. This is the last warning for the member for Windsor West. If she keeps yelling across, she'll be thrown out. The minister waited patiently for you to ask the question, and it's his turn to answer now. If you don't do it, then I'm afraid I'm going to have to throw you out.

Sorry for the interruption, Minister.

**Hon Mr Clement:** Thank you, Mr Speaker.

We are allowing both groups to have access to the health care system so they can deliver quality, accessible health care for the province of Ontario, and if the honourable member has a problem with that, let her tell us what she has against international medical graduates who want to practise as specialists in Ontario. Stand in your place and tell us what you've got against international medical graduates who want to practise their speciality in the province. Tell us now.

### LONG-TERM-CARE FACILITIES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question today is for the Associate Minister of Health and Long-Term Care. Like all the members on this side of the House, I'm very proud to be part of a government that has demonstrated such a strong commitment to meeting the long-term-care needs of Ontario seniors, both through unprecedented investment in new and redeveloped long-term-care facilities in my own riding, Bramalea-Gore-Malton-Springdale, as well as across the province, and through our \$100-million investment in nursing and personal care.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Sorry to interrupt. The member for Don Valley East and the government House leader, please come to order. The member for Bramalea-Gore-Malton-Springdale has the floor. I apologize, member.

**Mr Gill:** Last week the Ontario Nurses' Association issued a news release suggesting that long-term-care facilities in our province aren't using the \$100 million in funding to hire new nurses and personal care workers as intended. For the benefit of my constituents, I would like the associate minister to please explain that.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I'm pleased to respond to the hard-working and always effective honourable member from Bramalea-Gore-Malton-Springdale. The Ernie Eves



government's historic \$100-million investment in nursing and personal care is earmarked into the nursing and personal care envelope for long-term-care funding. This earmarked \$100 million is being used for even better nursing and personal care across Ontario, including the salaries and benefits of registered nurses, registered practical nurses and personal care workers.

I would also like to point out that there were inconsistencies in the Ontario Nurses' Association's press release from last week, including the statement that West End Villa nursing home in Ottawa is using half of the money to cover off deficits. The fact is that West End does not even have a deficit, hasn't had a deficit and in fact has hired two additional full-time personal care workers at their facility.

**Mr Gill:** I'm glad I asked that question. I want to thank the associate minister for his response. I'm very pleased to hear that our government's funding is being used, as intended, to provide even better nursing and personal care to residents of Ontario. I know that my constituents will be very happy to hear about that.

I would like to ask the associate minister for specific examples of long-term-care facilities in Ontario that have hired new nursing and personal care staff, as intended, with the \$100 million that we've paid them.

**Hon Mr Newman:** I once again thank the honourable member for Bramalea-Gore-Malton-Springdale for his question. This summer, the Ontario Long Term Care Association suggested that our government's \$100 million in new additional funding could be used to hire an additional 2,400 full-time-equivalent nursing and personal care workers across the province, and this still is the case.

This can be seen in Ottawa, for example, where the ministry is aware of roughly 15 facilities that have added nursing staff to their complement to assist in the provision of care to residents. A multiple-home operator has also added 42 full-time-equivalent positions and another six full-time equivalents in a single home.

In fact, at the Metro Toronto Legion Village in Scarborough, a charitable home for the aged, a nursing supervisor position has been added with the enhanced personal care dollars. In addition, Metro Toronto Legion Village has added 98 hours a week in health care aide hours and has enhanced evening shifts from a health care aide to a registered nursing position.

I hope that even the Liberals and the NDP—

**The Speaker:** I'm afraid the associate minister's time is up.

#### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** My question is for the Premier. In the west gallery today are adoptees, an adoptive mother and a birth mother. They represent the thousands from the adoption community who have been working for many years on adoption disclosure. They want the heartbreak of secrecy stopped. They want Bill 77 passed.

As you know, Bill 77 would open up adoption records to adult adoptees and birth parents. There's a contact veto for those who are concerned about privacy.

Premier, will you agree today to call Bill 77 for third reading and a final vote?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** First of all, I believe that issues such as the one she's talking about don't have any place in partisan politics. I believe there are several private members' bills in this Legislature that should go forward on a free vote and a non-partisan basis. The member for Waterloo-Wellington, for example, has a bill that I believe should go forward and be acted upon.

I have talked to our House leader this morning about this very issue. There are many substantial improvements, I believe, that the Legislative Assembly committee is on the verge of recommending to the House to make this a more free and open democratic process, especially as far as backbench members are concerned.

I would urge the honourable member to talk to her House leader so there can be an arrangement among all three House leaders so members of all three parties can bring forward private members' bills that can be voted upon.

**Ms Churley:** Premier, I appreciate the fact that we've come a long way from where we were before, but I do want to point out to you that it's a half-yes; we're not all the way there.

There are illnesses and deaths as a result of this bill not being passed. I do not want to see it caught up in the usual negotiations and BS that goes on around here when it comes to negotiations around the passage of bills.

Please listen to me, Premier. I appreciate what you said, but these people here today want a guarantee that this bill will be called for third reading and a final vote. Since 1999, it has been sitting there waiting for passage. Would you agree today that, no matter what, you will see to it as Premier that this bill comes forward for a final vote?

**Hon Mr Eves:** I certainly appreciate the fact that the honourable member believes very sincerely in the cause she's talking about. I believe there are several other members of this Legislative Assembly who share that same concern and that same belief. I would like to see the bill brought forward, but she knows how this place works. I think she has a bigger problem, quite frankly, convincing her House leader than she does people on this side of the House that the bill should come forward.

#### EDUCATION FUNDING

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Premier. I want to ask you about your statements made last week to the parents and the public of Toronto about the funding that your appointed supervisor is providing to them, and to students in particular. You said very explicitly that funding to the classroom in Toronto will be increased by the supervisor's proposal.

We now know that in fact there's at least a \$23-million reduction in funding to the classroom compared to last year. Those parents and those students were depending on you. You and your minister are the only elected officials who have any influence over the future of their children this year.

It turns out that what you said last week isn't correct. Will you stand today in the House and apologize, and more importantly, will you reconsider the funding for those students in light of your statements and in light of the facts?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The Minister of Education will be able to correct the honourable member.

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** The member opposite knows full well that the only people who abdicated their responsibility to the students were the trustees, the small majority who refused to balance the budget and present a balanced budget to the Ministry of Education.

The reality is that Mr Kennedy's methodology is flawed. The supervisor's table compares net expenditures in 2001-02 to net expenditures in 2002-03. He did an apples-to-apples comparison, but not Mr Kennedy, of course. He did a comparison where he took a look and he compared total expenditures in 2001-02 to net expenditures in 2002-03. It was an apples-to-oranges comparison. Why he'd do that, I'm not sure.

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**Mr Kennedy:** We have the minister opposite who said to us just now that there was a mixture between gross and net figures. They won't release the gross figures. They are afraid to put out how much money is being spent on behalf of students. Why are they afraid? Because the partial figures we have obtained and that were confirmed by the school board—those members over there hope against hope they might be true—prove the fact that the Premier last week told this Legislature that, first of all, the money spent in the classroom has actually increased and in fact it has not. It hasn't increased.

*Interjection.*

**Mr Kennedy:** For all the laughing members opposite, students in this city have less teacher assistance, have fewer teachers, have less classroom assistance, and despite your assurance, Premier, and you're afraid to come up and talk about this question, they have fewer textbooks.

I ask you again, Premier, will you apologize to the students and the parents for whom you have provided inaccurate information, but more importantly, will you instruct your minister now—it has been proven it's not working. Will you reconsider the funding given out for the students in Toronto? Will you do that today?

**Hon Mrs Witmer:** If I heard the member opposite correctly, he said he didn't have the figures. Does that mean he made the figures up?

## CHRONIC WASTING DISEASE

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a question today—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The member for Haldimand-Norfolk-Brant has the floor.

**Mr Barrett:** I have a question today for the Minister of Natural Resources. Many people in the province of Ontario are very concerned about a troubling disease that has been detected in both deer and elk populations in some of Ontario's neighbouring jurisdictions. It's known as chronic wasting disease. Could you please explain to us today, first of all, what this disease is and, secondly, has it been detected in either deer or elk herds in the province?

**Hon Jerry J. Ouellette (Minister of Natural Resources):** Chronic wasting disease, or CWD as it's known, is a progressive fatal disease of the nervous system detected in deer and elk. It's caused by an abnormal protein called a prion, and there is no scientific evidence to date that CWD, in any way, shape or form infects humans. Scientists are not sure how the disease is transmitted. I've heard various aspects come forward such as bald eagles transmitting it, and it's not quite sure how it is found. Also, there is no detection of the disease in Ontario, and the MNR will continue to protect Ontarians and Ontario's deer and elk herds.

**Mr Barrett:** Thank you for that explanation. I am relieved to hear there has been no detection of chronic wasting disease in the province. However, given the harmful potential for this disease, it's important that our province continue to not only remain vigilant but remain watchful for any indications of its spread. What steps have you been taking to ensure there has not been any incidence of this disease in the province, and what are you planning for the future?

**Hon Mr Ouellette:** That's right. You can't wait until the last minute until a disease is actually detected in your area. So what the MNR has done is launch a pilot project this year during deer season. This was designed to develop a process on how to collect data, to review that data, to analyze it and to implement a program to deal with the situation should it arise in Ontario. To date, we've had over 140 samples collected, with no positive results in any of the animals that were brought forward.

I want to thank the outdoor community for a program that has been well received and has been very supportive. I want to assure everyone that the MNR and outdoor partners will continue to bring this program to a closure so that we can establish a comprehensive, permanent safety measure to ensure the protection of Ontario's deer and elk herds.

## LOBBYISTS

**Mr James J. Bradley (St Catharines):** I have a question for the Premier, and the question is about the



return of the prodigal son, Guy Giorno, who has obviously returned to call the shots for this government.

Yesterday, you were in Ottawa discussing the Kyoto Protocol with the Prime Minister, and you said that you were not persuaded by the arguments he provided. But obviously you—

*Interjection.*

**Mr Bradley:** —and the backbencher who's so yappy and the rest of the government are persuaded by Guy Giorno, who is lobbying on behalf of the oil barons, on behalf of the opponents of the Kyoto accord.

When I try to get any information, all I get are blackened pages like this. That's all I get from your government.

I want to ask the Premier why he is listening to a major lobbyist who worked for the former Premier of the province of Ontario who is now back advising you? Why have you been persuaded by Guy Giorno to oppose the provisions of the Kyoto accord?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I have never had a discussion with Guy Giorno about the Kyoto accord.

**Mr Bradley:** That's one of those statements where, whether it's true or not, nobody believes it. That's one of those statements.

Let me talk about perhaps the ethics of Guy Giorno lobbying you, holding this reception where he trotted out his friend, the Minister of Energy, John Baird, to speak, and brought together chief Tory operatives downstairs on October 15.

Subsection 30(b) of the conflict of interest and post-service directive states: "For 12 months after leaving the service of the crown, a former senior public servant is restricted from lobbying for or on behalf of any person, entity or organization to any ministry or organization of the crown with which the individual worked in the 12 months prior to leaving the service."

Could you tell us whether you think it's appropriate that Guy Giorno was doing so much of the lobbying against the Kyoto accord and trying to persuade your government not to agree with the Kyoto accord, when clearly he is violating the provisions of this particular act?

**Hon Mr Eves:** I would refer this supplementary to the Chair of the Management Board.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** One of the concerns we've had in terms of this type of purported conflict of interest was that we've created an independent office of the Conflict of Interest Commissioner. We've appointed the Honourable Lloyd Houlden to be the commissioner.

We're very concerned to make sure that upon leaving the government, not only civil servants but also senior staff in ministers' offices and the Premier's office are expected to meet with the commissioner, who provides them with clear directions about the activities they may engage in, in accordance with the post-service directive.

Last fall, we in fact revised the conflict-of-interest rules to ensure they're up to date and meet the government's commitment to accountability and transparency to the public.

In short, Mr Giorno was required to meet with Mr Houlden and was required to indicate to him the direction he was going to take, and obviously that has occurred.

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## AFFORDABLE HOUSING

**Mr John O'Toole (Durham):** My question is to the Minister of Municipal Affairs and Housing. Last week I was thankfully invited by Gord Carey to attend a National Housing Day open house at Faith United Church in my riding of Durham. The event included organizers who are looking toward the issues facing affordable housing, not just in Durham region but indeed across the province, members like Len Perkins and Lynn Teatro, and John Jensen, president of Project Next Step.

They provided me with a very good reference point on the issues facing us in terms of housing supply. Consequently, I was impressed with the housing supply working group report released this week.

Minister, I wonder if you could tell us what needs to be done to get people building more rental and affordable housing in the province of Ontario.

**Hon Chris Hodgson (Minister of Municipal Affairs and Housing):** I appreciate the question from the member for Durham, a hard-working MPP. I can tell you that the housing supply working group issued two reports. I received last week the second one. It talks about how to make the numbers work for affordable housing.

We're having huge success in the province of Ontario in terms of home ownership, condos and apartments at the top end of the rental scale. Eventually the supply will work, but in the short term, what needs to be done to get the numbers to work for affordable rents for working families in this province? They've identified a number of barriers that need to be removed. The top of the barriers we've already removed since 1996, undoing the damage of that lost decade of Liberal-NDP mismanagement.

On top of that they've recommended some further things that need to be done: full rebate of the GST, a deferral of the capital gains tax, increasing the depreciation allowance on rental housing and restoration of the soft costs deductibility. These are all things they're recommending to make the numbers work so it's economically viable for the private sector to build affordable housing.

**Mr O'Toole:** Thank you very much for your response on this important policy issue, Minister. I commend you for your leadership and for making it clear about the lack of commitment by the federal government on the issues you've mentioned, the CMHC transfers, the municipal tax rate on multiple residential, as well as our initiative on the PST tax relief.

The Tenant Protection Act amendments and proposals brought forward by the Liberal McGuinty government

plans to establish rent control on vacant units. We understand that the market usually determines this. That plan, in my view, has failed to address the fundamental question. Minister, what's your response to that suggestion?

**Hon Mr Hodgson:** I think everyone knows that was a failed policy. In any jurisdiction in the world it has been tried, it doesn't work. The federal government has announced a federal program to try to kick-start 10,500 units. We're working with them; I was on the phone again this morning with Minister Collenette. We expect to be rolling that out in the near future.

Going back to the future of rent control, you can look at any jurisdiction; it fails. The supply is what you need to concentrate on. You need to have incentives to make the numbers work to get more supply. There is a huge success story taking place in Ontario with home ownership: 67.9% of the public now have ownership of their residences. That's up from 64%. That's at historic highs.

The CMHC report that was just released is great news. It shows a huge, dramatic improvement in the vacancy rates, 2.7%, from 1.7% just a year ago. That's the highest vacancy rate since 1975, the year rent controls were brought in to stifle any further investment in this field. Even Vince Brescia, president and CEO of the Fair Rental Policy—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### SMELTER OPERATION IN TIMMINS

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Premier. Globex, a mining company in northern Ontario, has discovered a large magnesium-talc body just south of the city of Timmins. This could represent the largest mining project in Timmins since the strike of Texasgulf in the early 1960s. Part of this project could include a refinery and smelter that would create some 500 jobs in the community of Timmins.

Premier, I don't need to tell you how badly we need those jobs for the province of Ontario. What are you prepared to do to make sure Globex builds that smelter in the city of Timmins?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I refer the question to the Minister of Northern Development and Mines.

**Hon Jim Wilson (Minister of Northern Development and Mines):** I thank the honourable member for the question. As you know, I've met with the company on a few occasions, as have officials of the Ministry of Northern Development and Mines. We've rolled out the welcome mat as best we can.

Globex has been given a pretty good—at least they tell us, both privately and in the media—subsidized power deal from the province of Quebec. It's perhaps a deal that's very generous, and I would say the taxpayers are going to be subsidizing that company. Right now the debate is, can Ontario match it? We're certainly looking at it, but it has not been the policy of this government, nor should it be, to give money directly to business.

We've created a million net new jobs in this province since 1995, and we've done it without corporate welfare. We don't want to go down that road.

We're dealing with Globex. I think it makes eminent sense to have the smelter near the mine but, as you know, the province of Quebec is also in these discussions.

**Mr Bisson:** That says a lot about your hydro policy, but back to the Premier and my original question. I hope, Premier, when you visit Timmins tomorrow you'll have something better to tell the citizens of Timmins, because a year ago Globex wanted to meet with your government to talk about how your government could assist them in developing a bankable feasibility study in order to not only build the mine but build a refinery and smelter.

The only way they were able to meet with your government was by way of a fundraiser, and when they showed up they were basically told what the minister just said: "We don't provide any loans or grant programs directly to the private sector. We're not in that business whatsoever."

Now where are we at? Twelve months later Globex is in a situation of being lured over to Quebec by the province of Quebec and not only are they looking at building the refinery smelter over there but they're prepared to participate in a bankable feasibility study.

My question to you is really simple. It's clear at this point that you dropped the ball on this. When you go to Timmins tomorrow, Premier, what are you prepared to tell the citizens of Timmins about what your government is going to do to make sure that that smelter, if built, will be built in the city of Timmins, Ontario, and not in the province of Quebec?

**Hon Mr Wilson:** I want to give the member an opportunity to correct the record. He knows very well, because he was with the company when we met in my office, and I've never met the company at a fundraiser. I extended the courtesy of his coming to that meeting, he extended the courtesy of accompanying the company and I thought it was a very good meeting. We've had follow-up meetings.

It occurs to me it's difficult to compete with Quebec because in our Confederation, Ontario is the economic engine of Canada and we give far more tax dollars to Quebec—actually to the federal government, and they give them to Quebec—than we get back from the federal government. This is one of those cases where being the economic engine of Canada is perhaps working against us.

Having said that, this Premier, the previous Premier and this government have created a million net new jobs in Ontario. These jobs can be created in Timmins. We want to keep working with Globex. We have the most competitive mining jurisdiction in North America. We're number one in the world this year for low mining taxes—

**The Speaker (Hon Gary Carr):** I thank the minister.

**Mr Bisson:** On a point of order, Mr Speaker: I would like to clarify the record. It wasn't the current minister setting up that meeting; it was a previous minister.



## ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Ernie Parsons (Prince Edward-Hastings):** My question today is to the Minister of Community, Family and Children's Services. People receiving ODSP tend to have higher-than-average medical needs. They often need to travel in order to get specialized services. They receive 18 cents per kilometre for their trip. That's about half of what you and I get.

You have now brought out a new process that requires their doctor to submit on what their expenses will be for the next year. They must determine what their doctors' visits, dental visits and medical supplies will be for the coming year. Doctors have said to me that they have to either be liars or clairvoyants to fill out this form.

Minister, without this form being completed, our citizens are unable to get their medical services. You have created a major new barrier to citizens with disabilities. I ask you now, today, to withdraw this process and pay them for the trips they incur as they do them.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague opposite for the question. We have worked very hard to make changes to the Ontario Disability Support Program Act to improve the lives of those who are disabled. It's our government that introduced the Ontarians with Disabilities Act. It's our government that removed those who are disabled from the welfare act to give them a new plan, the Ontario disability support program, with great improvements.

We have been concerned with some of the processes in the Ontario disability act and we've tried to improve them. I'm not exactly sure what the questioner is referring to. We have made some changes to simplify the application process in creating one consistent form, and we did that with extensive advice from the Ontario Medical Association to improve the form that the physicians were asked to complete. If this is the form in question, then I'd be happy to speak to my colleague further about this.

**Mr Parsons:** Let me explain to you what you have done. You have created a form called the mandatory special necessities benefit request. People receiving ODSP cannot receive funding for their trips as they incur them. They now must submit for the following year, well into 2003, and then they receive a certain amount on each cheque.

No one knows what's going to happen in the next year. This is a bureaucratic nightmare. If a citizen receiving ODSP makes some money, within 15 days you can claw back that money from their cheque. Surely within 15 days you could process a travel claim and pay it. Rather than an airy-fairy best guess of what's going to happen in the next year, let's do it right. Let's do it financially soundly, and let's remove the barrier. Doctors are refusing to fill out this form, and we have citizens on ODSP who are not getting the medical treatment they require because of your new, ridiculous barrier.

**Hon Mrs Elliott:** We've worked very hard on this side to improve the lives of those who are disabled. We've worked very hard to make the process easier, straightforward and improved in every way. If this form or any other form is a problem, it's a form I will be examining and improving.

**Hon Brad Clark (Minister of Labour):** On a point of order, Mr Speaker: I seek unanimous consent to immediately call the orders for second and third readings of Bill 211 today, notwithstanding standing order 69, and that the Speaker put the question without debate.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

1450

## BACK TO SCHOOL ACT (SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD), 2002

### LOI DE 2002 SUR LE RETOUR À L'ÉCOLE (SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD)

Mr Clark moved second reading of the following bill:

Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board / *Projet de loi 211, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Simcoe Muskoka Catholic District School Board.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## BACK TO SCHOOL ACT (SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD), 2002

### LOI DE 2002 SUR LE RETOUR À L'ÉCOLE (SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD)

Mr Clark moved third reading of the following bill:

Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board / *Projet de loi 211, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Simcoe Muskoka Catholic District School Board.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## VISITORS

**Mr Ernie Parsons (Prince Edward-Hastings):** On a point of order, Mr Speaker: I'd like to welcome Peter Callaghan and a group of students from Loyalist College in Belleville. I hope they have not been too disillusioned by their experience here.

## PETITIONS

## ALUMINUM SMELTER

**Mr James J. Bradley (St Catharines):** This is a petition to clean up the abandoned aluminum smelter in Georgina, and the petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the abandoned aluminum smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River feeding into Lake Simcoe;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Ministry of the Environment should immediately conduct a full environmental assessment and cleanup of the site."

I affix my signature. I'm in complete agreement.

**The Speaker (Hon Gary Carr):** If we could stop the clock just for a quick moment. It's a little noisy as some of the members leave. We'll just take a quick moment here.

## EDUCATION FUNDING

**Mr Rosario Marchese (Trinity-Spadina):** "Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education" and more;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned elected leaders of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

I support that.

## HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** In light of the government's latest announcement last Thursday in Sudbury about their agreeing to four-laning Highway 69 between Sudbury and Parry Sound, I will continue to introduce these petitions into the Legislature until in fact that four-laning is done.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the" Harris-Eves "government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the" Harris-Eves "government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition and give it to Annelise to bring to the table.

## CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have petitions that have been sent to me by Lisa Gregory, by the YWCA of St Catharines and by the Jubilee Heritage Family Resources program in Sudbury. The petition reads as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I've affixed my signature to this.



## PROGRAMME D'ALPHABÉTISATION ET D'INTÉGRATION COMMUNAUTAIRE

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** « Attendu que les 44 personnes qui assistaient au programme d'alphabétisation et d'intégration communautaire de la Cité collégiale perdent en moyenne 2,5 jours par semaine de services directs et d'appui dans leur communauté dû à la fermeture de ce programme;

« Attendu que les agences de services du secteur de la déficience intellectuelle ne peuvent offrir de services de remplacement à ces personnes, compte tenu que leurs programmes sont déjà remplis à capacité;

« Attendu que les 44 personnes qui assistaient à ce programme seront maintenant insérées sur la liste d'attente à coordination des services, qui comprend déjà plus d'une trentaine de personnes francophones et que certaines d'entre elles attendent déjà depuis plus de deux ans;

« Attendu que nous considérons inacceptable de laisser les personnes ayant une déficience intellectuelle et leurs familles sans ou avec trop peu de soutien, de programmes et de services;

« Nous, parents, familles, amis et intervenants, demandons au gouvernement Eves de collaborer afin d'assurer un financement adéquat pour la mise en œuvre d'un modèle de services aux personnes francophones ayant une déficience intellectuelle qui répondra aux besoins, favorisera la mouvance dans le système de déficience intellectuelle, réduira la liste d'attente et reconnaîtra le droit à l'éducation pour les personnes ayant une déficience intellectuelle. »

It's my pleasure to put my signature on it.

## EDUCATION FUNDING

**Mr Richard Patten (Ottawa Centre):** I have a petition by several hundred people from the Ottawa area. It says:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards" across "the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

I'm happy to place my signature along with these others.

1500

## PROVINCE OF ONTARIO SAVINGS OFFICE

**Ms Shelley Martel (Nickel Belt):** I have a petition sent to me by people from Holland Centre, Ontario. It reads as follows:

"Whereas the Province of Ontario Savings Office was created in 1922 by United Farmers and labour as a unique banking facility that allowed Ontarians to invest in their province; and

"Whereas the Province of Ontario Savings Office enjoys a strong popularity among Ontario residents, with over 100,000 accounts and over \$2.8 billion on deposit; and

"Whereas the Province of Ontario Savings Office offers customers attractive interest rates, generous checking privileges and personalized, efficient service, and every dollar deposited is guaranteed by the province of Ontario; and

"Whereas POSO has 23 branches serving 17 communities across Ontario including Hamilton, Windsor, Ottawa and small communities in northern Ontario not served by other banks or trust companies, places like Pickle Lake, Armstrong, Killarney, Gogama and Virginiatown; and

"Whereas the Tory government announced in its latest budget that it will put the Province of Ontario Savings Bank on the auction block even though it is a consistent revenue generator and even though this revenue could help Ontario's crumbling infrastructure after years of Tory neglect;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To save the people's bank, the Province of Ontario Savings Office, so that it can continue its historic role of providing excellent banking services to families in communities across Ontario, so that people in small towns will not be forced to go further afield for banking services and forced to go to private, for-profit banks."

I agree with the petitioners, and I sign my signature as well.

## SCHOOL BUS SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** "To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is the licence plate number

required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002.

"We ask for the support of all members of the Legislature."

I too have signed this important petition.

### LONG-TERM CARE

**Ms Shelley Martel (Nickel Belt):** I have a petition sent to me by Catherine Callaghan of Cambridge, Ontario. It reads as follows:

"Whereas the Conservative government increased fees paid by Ontario's seniors and other vulnerable people living in long-term care facilities by 15% ... instead of providing adequate government funding for long-term care; and

"Whereas the Conservative government has therefore shifted the costs of long-term care on to the backs of the frail, elderly and their families; and

"Whereas this increase is 11.1% above rent increase guidelines for tenants in the province of Ontario; and

"Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

"Whereas the government's own contribution to raise the level of long-term care-services this year is less than \$2 per resident per day; and

"Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse ... and

"Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:"

We demand "the Conservative government eliminate the 15% fee increase for residents of long-term care facilities, increase the number of nursing care hours for each resident to a minimum of 3.5 hours per day and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities."

I agree with the petitioners. I have affixed my signature to this.

### NATURAL GAS RATES

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario:

"... be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I am in full agreement and will affix my signature hereto.

### COMPETITIVE ELECTRICITY MARKET

**Ms Shelley Martel (Nickel Belt):** I have petitions that have been signed by many people in my riding, and they read as follows:

"Whereas the Harris government's plan to privatize and deregulate Ontario's electricity system will lead to higher rates because private owners will sell more power to US customers whose rates are typically 50% higher than Ontario's; and

"Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

"Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

"Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

"Therefore, be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit."

I agree with the petitioners, and I've affixed my signature to this.

### LONG-TERM CARE

**Mr John Gerretsen (Kingston and the Islands):** I continue to receive dozens upon dozens of petitions containing hundreds of names from places like Newmarket, Burlington, Hamilton, Kitchener, Guelph, Orangeville and Parry Sound, among others, dealing with the long-term-care situation. It is addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and



"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I agree with the petition, and I've signed it accordingly.

#### CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have some more petitions. They are sent to me from the Welland campus of Niagara College and from a Child's World, which is also located in that area, in Port Colborne specifically. It reads as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care, by providing capital funds to expand existing child care centres and build new ones, by funding" proxy "pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I've affixed my signature to this.

#### OPPOSITION DAY

##### PUBLIC TRANSIT

**Mr Mike Colle (Eglinton-Lawrence):** The Legislative Assembly of Ontario directs the Ernie Eves government to commit to directing two cents of the existing provincial gas tax to municipalities, which will double the provincial investment in public transit.

**The Speaker (Hon Gary Carr):** Mr Colle has moved opposition day number 4.

**Mr Colle:** I'm happy to be here talking about the need to have an ongoing dedicated portion of the gasoline tax collected by the province that goes toward the funding of public transit throughout the province. This would come out of the existing gas tax, of which the province collects about \$2.6 billion a year. We would like to take a portion of that and apply it to the operation and funding of capital projects for transit.

1510

I think this is necessary, because we can see that right now Ontario is basically the only jurisdiction in North America which doesn't have an ongoing, full-time commitment of funding for the operation of transit. Even in Europe, there's a regular, ongoing commitment of funding. This used to be the case in Ontario up until 1997, when the Harris government decided to walk away from that commitment and essentially downloaded the cost of funding public transit to the municipalities. Right now, transit in Toronto is funded by the property taxes—it's the same in Ottawa—and the fare box. So you have an incredible situation where property taxpayers who have already reached the limit are now also asked to fund transit out of their property taxes. That is not sustainable, because transit is an extremely expensive operation to maintain financially. It's not only the capital requirements of subway cars, buses, streetcars, bus stations, bus garages; it's also very labour-intensive. You have to hire mechanics to maintain and operate the system, and drivers. So we need ongoing funding.

We can see what has happened in recent years: for instance, the TTC in Toronto is now carrying 45 million fewer passengers per year than it did in the late 1980s, despite an increase in population of over 20% in the Toronto area. We always think that with all these population increases, and I think this is similar for the whole GTA—we see increases in population, yet we see a decrease in the number of people using transit. The reason for that is that the basic way of attracting new ridership is increased service.

I remember I was talking to the city manager of Oakville one time a couple of years ago, and he said they had to reduce the frequency of the bus routes because of the cutbacks, so the bus would only come at half-hour intervals. If you're waiting a half hour, you're not going to wait. It's not going to be a viable alternative to taking the car. You have to increase and maintain service.

By giving them funding, these transit systems will be able to put more buses on the road, provide more services and then at the same time attract more riders. The benefit of this is that in the long run it gets rid of one of the major causes of economic loss, certainly in the Golden Horseshoe area: loss through congestion and gridlock. We all witness it; we all see it. We lose person-hours waiting in traffic. We waste fuel. Therefore, deliveries take more time. By getting more people on transit, we not only benefit the transit users, we benefit those who have to use the roads to deliver goods and services or make sales calls during the day. It benefits everyone, even though you're not a transit user per se.

It's critical not only for the economy of the province and the GTA, but for the environment too. Because with all this added gridlock, people sitting in traffic on the QEW or the 401 and there's continual emission of all kinds of noxious substances that diminish air quality. So this is another benefit of putting this amount of money, which will amount to about \$300 million a year, toward the funding of transit in Ontario. Whether it's in Ottawa or Windsor or Kingston, it will go toward improving the level of service.

There was a very detailed study released a couple of years ago by David McCleary, who was the manager of policy planning in Halton region. He did this for the GTSB, where he looked at the challenges here. He said that right now, GO Transit is running to capacity. In fact, the Lakeshore line is running at 160% of capacity. We have to do something.

"Municipalities," Mr McCleary said, "are spending about \$570 million a year on transportation infrastructure. But if cities hope to reduce congestion and handle the expected growth, they should be spending \$1.37 billion a year, almost three times that, to make our roads less congested." That's what the director of policy and planning of Halton said.

Property taxes or development levies can't be expected to make up this \$800-million shortfall, so you aren't going to do it by raising property taxes. You can't fund transit that way; nowhere else in the world do they fund transit on property taxes, only in Ontario. The province can, however, by tapping into the \$1.1 billion it collects each year in gasoline taxes and vehicle and driver licensing fees within the GTA and the Hamilton-Wentworth regions.

As I said, the province collects \$2.6 billion every year in gas taxes; it collects over \$1 billion in GTA region alone in gas taxes and related fees, so there's money there that could be used to not only improve public transportation but also get our roads freer for goods and services to move. Because it doesn't matter how many roads we build, if we really want to improve the mobility of Ontarians, we have to get people, if they have the option, to go to the public transit. That's the key. Whether you go to Munich, London, Paris or New York, that's the way they make those cities work.

We, in the last number of years in Ontario, have walked away from our commitment, so we, as Liberals,

believe there should be a commitment back to public transit. That's why we announced yesterday in our Growing Strong Communities plan that we would put this two cents, which amounts to \$300 million a year, into funding transit on a regular basis. We would also, to better coordinate transit planning and to make sure we spend dollars properly, establish a Greater Toronto transit authority that would act as a planner and comprehensive allocator of resources to the GTA, making sure things move smoothly, making sure resources aren't spent that are contrary to the movement of goods and people across the lines—especially transit, across the regional lines.

We all know transit should not stop at an artificial barrier at the Mississauga border or at Steeles Avenue. We in the GTA go across these borders continually, so we need a coordinating body, and that's why Dalton McGuinty, yesterday, supported the concept of a GTA authority to better plan and allocate our resources more properly. We also think that there should be an easy pass across the GTA so people who use GO Transit or maybe Mississauga Transit or Toronto Transit can use one transit pass instead of buying different tickets etc, so you'd have an easy pass across the GTA.

I remember Lou Parsons, 15 years ago, tried to get this going. It's really a no-brainer that has to happen if we're going to treat transit and transportation as a serious issue that affects our economy and environment. That's why you have to make this commitment that is not just on an ad hoc basis. This government will make announcements about transit, but there is no plan, there is no serious year-after-year, long-range commitment. That's what you need. You need this.

I know the Minister of Transportation and the Premier speculated the other day about privatizing transit to make it better. Well, it doesn't work. They mentioned Australia. Privatization of transit in Australia, in the state of Victoria, has been a total failure. In England, they tried to privatize some of the railway there; another failure. You can't really use the private sector to act as a panacea here because you don't really make money on transit; it really is providing a service. That's been the case all over the world. There's marginal privatization of transit throughout the world; it's really unheard of.

We also need to look at ways of ensuring that transit is not just a municipal responsibility. You have a strong province and you have strong cities and towns, and that's why this investment is not so much, as some people would say, an extra amount of money; it's a reallocation, it's a reinvestment in things that make cities work. If we're talking about planning the GTA better—the government likes to use the term "smart growth." Well, you can't have smart growth without transit.

This government has tried to say they're for planning things in a sustainable way, yet they haven't put any money into transit. You can't have good growth unless you have good transit planning; you can't have proper sustainable planning in Ontario unless you have invested in transit. So this government, as I said, has to come to realize that there will be more wastage of fuel, more



congestion, more gridlock and more pollution and smog unless you support this concept of putting provincial money back into public transportation.

1520

In Montreal that's how they fund their transit, partially, through a gas tax—in British Columbia; in Alberta. In Alberta they do the same thing: subsidize Calgary Transit and Edmonton Transit. It's really unusual that a province as wealthy and as advanced as Ontario does not fund public transit on a regular basis. We walked away from that. We've taken millions of dollars out, and subsequently we've relied on the fare box. For instance, in Toronto about 80 cents of the funding of transit comes out of the fare box. It's unheard of. Most places in the world 50 cents is by fare—in most other places, states and provinces. Traditionally, constitutionally, this is the responsibility of the province. Up until 1997 we used to do this. We've got to get back in the business of transit. It's good for the economy, good for the environment and something that makes eminent sense if we're going to save our air and save a lot of money. By doing this, we could also get the feds to match this two cents. Can you imagine? If we put in \$300 million and the feds put in \$300 million, we could do some great things in transit. So please join us in doing something that's good for the air, good for the economy and good for everybody in Ontario.

**The Deputy Speaker (Mr Bert Johnson):** Further debate?

**Hon Doug Galt (Minister without Portfolio):** I appreciate the opportunity to speak on the opposition day motion today. Once again our government is being asked to dedicate a specific tax to a specific program, and once again, for the benefit of our province, we must staunchly refuse to do so. Certainly, it doesn't seem to matter—when it comes to taxes, a Liberal always likes it. They really love to get involved with tax, spend and borrow. And here's another example where they want to nail down the two cents. I question the kind of research they've carried out on this. Is two cents per litre really going to be the amount of money that's needed by municipalities? Is it too much? Is it too little? I've heard of very little, if any, research on this. But I certainly welcome this opportunity to tell you why earmarking taxes is not a prudent course of action and not in the best interests of the people of the province. I also want to tell you what our government is doing to address the infrastructure needs of Ontario's communities.

But first things first: we're being asked to direct two cents from Ontario's gasoline tax to municipalities for investment in public transit. On the surface, I can follow some of the thinking. But this is a very simplistic response to a very complex issue indeed. Tax revenues currently are deposited into the province's consolidated revenue fund; some people refer to it as CRF, although there are other acronyms, CRFs, that refer to community reinvestment funds. It's then up to the members of this Legislature, who after all were indeed elected to repre-

sent the people of this province, to decide how that money is best allocated.

I think of a circumstance in the riding next door to mine, the riding of Hastings-Frontenac-Lennox and Addington. When a new hospital was being built in Bancroft, that particular member voted against each and every budget bill that was to provide funding for that hospital. I really have difficulty understanding why people would be voting against funding for a hospital in their own riding. But that's an example, and as I say, they must decide how that money is best allocated. Obviously that person did not want to have the hospital built in their riding.

Public transit, like other programs and services supported by the provincial government, is funded from the consolidated revenue fund. This method of program funding is flexible. It is efficient. It allows our government the best means available to address the changing needs of our province.

By not linking certain taxes with certain programs, we're better able to respond to the challenges inherent in governing a province as diverse and dynamic as Ontario. By having this flexibility we can compensate, for example, when the federal government, which is supposed to be coming through with 50% funding for health care, drops it all the way to 14%. More recently they dropped it right down to around 9% or 10% and it's back up to 14% now. That gave us the flexibility so we could fill the void the federal government was not filling. I understand from the Romanow report that this may actually go up to something like 25%. It's halfway to the original agreement, but that's a heck of a lot better than it is now. It points out that it gives that flexibility to the province to fill those gaps where the federal government is not prepared to properly look after health care in Ontario.

Earmarking money from the gasoline tax for municipalities to use on transit services would take money directly out of the consolidated revenue fund. This would leave the consolidated revenue fund with less money and less able to meet the funding requirements of other priority programs and services, such as health care and education. From some of the speeches we've heard from the opposition benches about health care and education, you would think they would want that flexibility there and would want the funding available for those programs. But obviously they've been successfully lobbied by municipal governments and they've bent to those pressures. This would leave the consolidated revenue fund in a weaker position to cover all the needs.

Earmarking taxes is also inadvisable for two opposite but equally negative reasons: it can provide more money to a program than is actually needed, or it can provide not enough money to fund the program properly. As I mentioned in my introduction, I haven't seen any research to indicate that two cents is the right amount that's needed there. Should it be five cents, one cent or a half cent? The Liberals have conveniently picked out of the air something that sounds good, like two cents, and plugged that in.

Overfunding a program is inefficient and grossly irresponsible fiscally. I am sure everyone in this House will agree that watching a surplus grow in one program area at the expense of another is completely unacceptable. Similarly, the potential that a program being funded through earmarked taxes may not receive adequate funding is a chance we will not take. The only way to ensure adequate funding for all program areas is to allocate money from the consolidated revenue fund. The allocation of funds is then reviewed each year as part of the budget process, at which time there is also a review of government priorities.

I'm impressed with that budget process, with the finance committee touring the country, with the Minister of Finance receiving a very large number of stakeholders. The amount of effort that goes into the preparation of the budget, the opportunity for stakeholders, the opportunity for opposition members, the opportunity to consult with the minister and his staff is, I think, exemplary for our government, and many other governments could follow this style.

This way of funding programs, including the annual review process, ensures government accountability. We will continue to fund the province's programs in this manner. It is flexible and it is fair. It is efficient and it is accountable. It ensures that the programs important to all Ontarians receive the funding required to provide the services on which we all depend.

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In addition, the logistics of earmarking money from the gasoline tax to municipalities may require an overhaul of the current collection system and result in an undue administrative burden on Ontario's gasoline retailers. Currently, Ontario's gasoline tax is pre-collected by about 23 refineries or wholesalers on behalf of the retailers. This is the most administratively efficient method of collection. It offers the biggest bang for the buck. To be able to allocate taxes on a local or a regional level, taxes would have to be remitted directly by each of more than 3,000 retailers here in the province of Ontario. Just think about it: collecting taxes from about 23 refineries or wholesalers, or collecting taxes from over 3,000 retailers. It is clear which is the better, more efficient use of government resources.

Our current funding methods are the best way to meet the needs of Ontarians. This applies to programs and services in communities right across the province. In fact, our government is already making significant investments in communities all over Ontario. For one, we are committed to investing in the infrastructure on which our quality of life depends. I'm referring, of course, to infrastructure projects such as highways, transit, universities and colleges, hospitals, water systems and community facilities. Our infrastructure investments mean that the people of Ontario will have the services they need, where and when they need them.

To meet these investment objectives, our government created the Ontario SuperBuild Corp, which plays an important role by coordinating capital investments in

Ontario and promoting new projects that build for the future. SuperBuild also identifies needed investments and develops new partnerships to ensure taxpayers' dollars go further.

Investments are extensive. SuperBuild is committed to investing at least \$20 billion of public and private investments in infrastructure over five years. This is the largest infrastructure building program of its kind in the history of the province of Ontario. SuperBuild investments cross all sectors of the economy: renewing and building new hospitals, improving highways, expanding sports and recreational facilities, upgrades to water and waste water infrastructure, colleges and universities and more. These investments will ensure that our communities have the foundations to promote new growth and new jobs. Through SuperBuild and its partners, the province will stimulate local economies, improve the quality of life in our communities and create construction-related jobs in every area of the province. To date, SuperBuild and its partners have committed to invest over \$13 billion in more than 3,300 projects.

In the budget of 2002, the Minister of Finance announced an allocation of \$2.7 billion for infrastructure investments. These important investments include \$1 billion for highways. Just as I mention \$1 billion for highways, I think of the 401 going east from Toronto, going through the great riding of Northumberland. When I came to office in 1995, one of the big concerns in my area was crossover on 401, especially on snowy, slippery days. My phone used to light up with people concerned that there was not a centre barrier on the 401 through there. I'm pleased to report that almost all of that barrier has been completed. Not only that, we've six-laned 401 from 115 well into Northumberland. Several bridges are being changed and updated. There's just a tremendous amount of investment in Highway 401, which is good for all of eastern Ontario.

We have also invested some \$342 million to build or expand hospitals and other health care infrastructures in communities across Ontario. I think in my riding of two hospitals: the Trenton Memorial hospital has been built, and over half of the construction is done on the Northumberland Health Care Centre for west Northumberland. Two hospitals in my riding are being built since we've taken office. From 1985 to 1995, there were only two hospitals built in all of Ontario. That is the kind of turnaround we're seeing.

We've committed to 20,000 long-term-care beds. The associate minister, the Honourable Dan Newman, is very familiar with this project. Two of those are in my riding: one in Cobourg, which is now open and operating, and another one under construction in the Port Hope area. What happened from 1985 to 1995? Not one single long-term-care bed was built in Ontario. Over and above that, many acute care beds were closed at that time. I think both parties can understand how that happened. I find it really difficult to understand, but that was what evolved.

Continuing, there's \$143 million for the renewal and construction of courts and jails, and \$135 million for



projects to improve and modernize cultural and tourism facilities. Construction will begin this year on a number of major highway projects in the GTA to address gridlock and improve safety.

When I think about gridlock around Toronto, I can tell you in 1995 there was no gridlock coming into Toronto. I could drive into Toronto any time and there was no gridlock and there were no traffic problems. There were very few people going to work. That, in fact, is why there was no gridlock. We're now at 1.8 million net new jobs in Ontario created over the last seven years. I think that's pretty remarkable. No wonder there's some gridlock. With all these people going to work, it's not surprising. Do we need to develop more highways to accommodate them? Absolutely. You look at five people going to work, and one of those five got one of the net new jobs since we took office. That's why we have some gridlock. When I, for one, get caught in it, I reflect on what has happened with our government in the last seven years and I don't object all that much to getting caught in that gridlock. I see these people driving home with a job. One day they went home and said, "Hey, guess what? I got the job." Some 1.8 million people went home and said that during the last seven years. Their kids are proud of them, that they have a job. They're proud of the fact that mom and dad are going to work. That's the kind of pride that's inculcated in some of our homes, because 1.8 million people are now working who wouldn't have been working if we had continued in the same vein we were in in the early 1990s and the late 1980s.

I got a little sidetracked here, but we've also moved forward with upgrades to our major highways. This includes improvements to Highways 7, 400, 401, 427, the QEW. I just reflect back and think about the condition of highways when we took office: potholes. The Honourable Al Palladini was out there, committed to filling every pothole if he had to do it himself. There were stories about potholes across this province. They were phenomenal. Even the CBC had a humorous program about the size of the potholes they were reporting from all across Ontario. Do we see those potholes on 400-series highways, the ones the province is looking after? Not at all. As a matter of fact, I have a daughter and son-in-law who lived in Sioux Lookout. Driving from Dryden to Sioux Lookout, they hit one pothole so badly that it not only ruined two tires, it ruined the two rims as well on that side of the vehicle. That was just one pothole that was left there by previous governments. That's the kind of thing we took over: phenomenal potholes. I just can't believe how terrible those potholes were. But now that is a beautifully paved road. I'm sure you can agree with that and realize the excellent road that is there now from Dryden to Sioux Lookout.

As part of Ontario's Smart Growth strategy, the province is also preparing Ontario's transportation network to support economic and population growth expected over the next 15 years. There will be a new highway connecting with Highway 427, north of Highway 7. We'll also be extending Highway 404,

establishing a Bradford bypass, and Highway 407 east to Highway 35.

**1540**

Our government has been listening to Ontarians making key infrastructure investments. The beneficiaries of these investments are the people of this province, in every community. We remain committed to their needs. To meet the challenges of the future, our government is focussing on many areas.

Also, to help boost efficiency in transportation and the economy in the north, we'll continue with major highway projects in the north this year, including highway rehabilitation and safety projects, major expansions and four-laning projects on Highways 11, 17 and 69.

We will also support municipal road infrastructure, including investments through the connecting link program, the Ontario small town and rural development initiative, affectionately known as OSTAR, and the millennium partnerships initiatives.

To meet the challenges of the future, our government is focussing on three priority areas: growth, fiscal responsibility and accountability. Mr Speaker, I think you've heard these terms on many occasions. It has become a hallmark of our government: growth and job creation; fiscal responsibility, something that certainly didn't happen from 1985 to 1995; and accountability, totally lacking during that lost decade. We will continue to provide the people of this province with the programs and services they need, including transit and infrastructure, in a manner true to our priorities. This means focussing on efficiencies, prudence and accountability.

I look forward to the day Highway 407 is extended east and reaches Highways 35 and 115 and seeing the growth that will evolve in eastern Ontario because of that. The federal government made a really big mistake some 30 years ago when they backed down on putting a new airport in at Pickering. It did a tremendous amount of harm to east-central Ontario and maybe all of eastern Ontario. I'm sure if they could have stood up to the public and what was being said at the time and put an airport in there like they should have, eastern Ontario would be flourishing far more. Now that we have to come through with highways, six-laning Highway 401 out into eastern Ontario and also bringing out Highway 407 to Highways 35 and 115, I think that will help to develop eastern Ontario. I don't think there's any question.

We believe the course we're on is indeed the best way to ensure that Ontario remains the best place in North America in which to live, invest and raise a family.

**Mr George Smitherman (Toronto Centre-Rosedale):** Holy moly. If ever there was a better opportunity for me to contrast myself and the vision of my party, a forward-looking and progressive view about Ontario, with a speech, it was that one, the "Pave it and they will come" speech. That member over there spent his time not only taking credit and celebrating gridlock and all of the environmental, economic and social costs associated with

it, but he suggested that the way to get ourselves out of gridlock in urban areas is to build more highways. That is some of the most stale, out-of-date, backward thinking that I've ever heard in my life. It should come as absolutely no surprise that it comes from the member for Northumberland. That has become his hallmark in this place.

It seems like just a few weeks ago that I was here, a newly minted MPP, hearing the throne speech from the other side, saying—I see the Speaker turning down his speaker—hearing the speech from the other side. “We’re not the government,” they proclaimed. And still we heard that they were going to fix it. And then we heard a 25-minute speech from a member strongly standing up in favour of the status quo, which has made sure that in our province the government of Ontario has operated as if it was the custodian of all knowledge, all common sense and all capacity to deal with problems.

He forgot to tell you another part of the story, and that’s the part that whenever they run into something they don’t quite like, that doesn’t quite work for them, they download it on to municipalities.

In 1995, when this government was elected, two things happened that I think are quite interesting in this debate. Firstly, the city of Toronto was selected by *Fortune* magazine as the best city in the world in which to do business, and in that same year, if my memory serves me correctly, the Toronto Transit Commission was given awards for the efficiency and quality of the operation of their transit system. Now, seven or eight years later, these guys, by their sheer lack of commitment to the city of Toronto and to transit in the city of Toronto, have diminished the quality of life for Torontonians, have made the transit service that we used to hold up as a shining example of one of the qualities of our cities now something that is falling into disrepair and is becoming much less attractive to so many people.

In the face of that and in the face of the kinds of costs associated with gridlock, like the \$2 billion a year that the Ontario Trucking Association estimates it costs to move goods just through the GTA—\$2 billion a year being paid by you and by me because of gridlock—and in the face of the evidence from countless people who have said that their lives have become just-in-time lives where they have been deprived of spending time with their family and their friends, engaged in taking kids to soccer practice, and in the face of the toll of automobile pollution on the quality of the air that we breathe, we stand as Liberals and proclaim commitments because we believe there are better solutions out there.

One of those is our commitment that we will invest in public transit across the province. Why? Because public transit reduces pollution, commuting times and gridlock. By allocating two cents of the existing provincial gas tax to municipalities, we will double the existing provincial investment in public transit. That is a commitment to be applauded and to be celebrated and to be supported, because it’s long overdue and it’s absolutely necessary.

The future progress of our province, and especially of our urban regions, is absolutely dependent upon it.

Let’s talk for a second about urban regions, because they are increasingly important in the economic context of our province and, indeed, of the industrialized world. We know that from the standpoint of creation of economic opportunity, urban regions are where it’s at. How many times have we heard about Toronto, the engine of the Canadian economy? Yet these guys are willing to see it choke on its own success. They’re willing to celebrate gridlock. If I can think of a more compelling reason in the context of a debate around funding for public transit to support the Liberal position and to reject these guys, it’s because they celebrate gridlock.

So for any of you who are ever faced with circumstance where you are bumper to bumper, where you are moving along at a rate of progress to be compared with glaciers and their growth or shrinkage, if that’s how you’re feeling, then remember that the member for Northumberland, in a 25-minute speech, stood up, took credit for gridlock and suggested that was something to be celebrated. That is evidence of the extent to which these guys have got to go. They’ve got to go because they’re happy to see our urban areas clogged and choking on their own success.

According to the Ontario Medical Association, 1,900 Ontarians die each and every year as a result of the air they breathe here in our province. What do we get in response from the government? A celebration of gridlock. That’s what it has come down to here in Ernie Eves’s Ontario. Because the government opposite is part of a carbon addiction. They’re addicted to carbon.

1550

I don’t want to give away security considerations, but one only needs to look at the chosen vehicle of the Premier of Ontario. It is a land yacht. It must have 12 cylinders to get those big tires moving. I can’t imagine what it does in terms of pollution, but I certainly know what message it sends to people all around Ontario when Ernie Eves jumps out of his government-paid-for vehicle. It’s big enough for an army.

*Interjection.*

**Mr Smitherman:** I’m being heckled by a minister opposite, but these vehicles are not in the same class. One has a minivan and one has an SUV that could only be characterized as a land yacht. Its towing capacity would haul all the dead carcasses that will be left in that party after the next election.

I want to close by saying that I am awfully proud to be part of an opposition party that has as a leader a man named Dalton McGuinty who is prepared in advance of an election to put on the record the clear commitments we are making; and also because he’s a man who, in his commitment to transfer two cents of the gasoline tax to municipalities, shows and makes a commitment to an understanding that municipalities, our municipal partners, play an important role in creating the quality of life that fuels economic opportunity for Ontarians.



As opposed to these guys who trust nobody, we stand proud of our commitments to do like other sophisticated jurisdictions have done—in Vancouver, in Montreal and in American centres—and that is to take some portion of this gasoline tax and transfer it to municipalities for the purpose of helping to provide for an enhancement to public transit. That's the Liberal Party view, and the opposition view has been forward by the government of the day. What do they do? They celebrate gridlock. That's your choice, Ontarians.

**Mr John Gerretsen (Kingston and the Islands):** I'm very pleased to rise in this debate and applaud Mr Colle and the Ontario Liberal Party for coming up with this idea and notion that two cents of our gasoline tax should be contributed to local municipalities, so that in effect that money can be used to do something about the transit situation, not only in Toronto—we all know we have a major problem here. All one has to do is sit on the Don Valley, either coming from or going to work. It used to be during rush hour. I can remember when I lived here 30 years ago you had a rush hour of about two hours per day in the morning and two hours per day in the afternoon. Now you literally have rush hour, particularly along some of our major routes like the Gardiner Expressway and the Don Valley Parkway for, let's say, 16 to 18 hours per day. That's totally unacceptable. All one has to think about is the fact that 1,900 people die annually because of the tremendous amount of pollution we have around us, and most of that pollution is caused by cars.

It's time to do something about it. It's time to come up with new initiatives. The old ways of doing things are no longer acceptable in the 21st century. The first thing we have to do is something that municipalities have been asking for, have been crying for, for the last 25 years that I'm aware of. Let's help them with the ability to get some extra money by giving them, for additional tax revenue, two cents of every litre of gasoline that is sold. That's a start, and it's a start that is absolutely necessary. I know that smaller municipalities will be quite thankful for that. It's basically a new source of revenue for them.

We all know that our municipalities are starving from the point of view that there simply isn't any methodology to get new revenues to them. They only have two ways of doing it. They can either increase the property tax base or they can increase the user fees—or establish new user fees. One of the major things this government did, about five or six years ago, that was very detrimental to most municipalities that have a transit system in this province, is when they basically said, "We are not going to fund transit at all any more." You know, they love to talk about political parties flip-flopping, but you talk about a flip-flop that took place at that point in time. Remember, at one time they said, "Absolutely, no, we're getting out of the transit business. It's up to you, local municipalities." And what happened three or four years later, when they realized that that was totally unsustainable? They came back and said, "Well, I guess we are going to support transit now."

We in this party are saying we can go one step better than that. We want the local municipalities to make the decisions as to how they're going to make transit work for them, whether they're large or small. The way to do it is to give those local municipalities extra sources of revenue, and the way to do that is to give them two cents per litre of all gasoline that is sold within that municipality.

I too heard the member from Northumberland earlier today, and I couldn't believe my ears when he said that we should actually celebrate the fact that people here in the greater Toronto area spend about an hour and a half to two hours per day involved in gridlock. That's totally, totally unacceptable.

Dalton McGuinty and the Ontario Liberal Party have come up with a plan, and that plan is Growing Strong Communities. That's really what it's all about. We live in a wonderful country. We live in a large province. But when you get right down to it, the vast majority of the people in this province live in their own communities, and the quality of life that they enjoy is basically a result of the communities that they've decided to live in and the amenities they find and the friendships they find in those communities and the various associations they make in those communities. So what we're talking about is making communities stronger, allowing communities the ability to invest in areas such as transit, so that those communities will become the better for it and so the people who live in those communities can lead a healthier, more sustainable lifestyle and have a greater quality of life. That's what it's all about. That's what we should be all about.

I think where government comes in is to sort of equalize the ability to get part of that higher quality of life. Government should be about equalizing the ability to get an education and to get access to the health care system. I've often said it isn't the better-off in our society who need government; they do quite well. They don't need the protection of the government. It's the more vulnerable in our society who need the help. This is another example of that. We all know that the vast majority of the transit users around the province are people who are basically from the middle to the lower economic scales, and we've got to make it easier for them to get around, to get about. They have just as much right to a high quality of life as everybody else in this province.

So I applaud Dalton McGuinty. I applaud our policy people for coming up with a plan that calls for stronger communities. One way to do that is by giving some dedicated tax money to those local communities so they can build the transit systems so we can get some of those cars off the road where they're causing, quite often, a fair amount of pollution.

**Mr James J. Bradley (St Catharines):** I of course am speaking in favour of the motion that's before the House this afternoon. I think it makes a lot of sense. I think it is what municipalities have been looking for, municipalities who have been struggling over the last few

years to meet their obligations as they relate to public transit.

We always think of the one in metropolitan Toronto, which is the largest transit system, but each one of us in our own community that has a city size or a major town size has a transit system as well, and they struggle from time to time because of lack of funding from the provincial government.

I think what is contained in Growing Strong Communities, the Ontario Liberal plan for clean, safe communities that work, offers a lot of good suggestions on improving our communities, on making them stronger, on making them cleaner. I think the part that relates to gridlock, to transportation, there are a lot of good suggestions in there.

1600

The gasoline tax is collected, and there's a presumption on the part of people who pay the gasoline tax that it's going back into the field of transportation. Most people probably think it goes into roads and into the administration of the Ministry of Transportation. But it goes to help fund public transportation as well, and that's important.

The municipalities have said, "Look, we're having a tough time. We've had a lot of responsibilities that cost a lot of money downloaded to us. We would like to be able to access some other funds so we can devote them to transit."

Now, this is not something that the provincial government would be transferring to municipalities so that the Tories and the local council could take the money and give it away in tax cuts, as the provincial Tories do, my friend from Scarborough would know. When they get money from the federal government, what they do is feed their tax cuts with it. They simply cut their own portion and give the money away in tax cuts. That's why he, as Associate Minister of Health and Long-term Care, would know that any federal government is going to be reluctant simply to transfer more funds to the provincial government, knowing that on so many occasions they take the money and give it away in tax cuts. That's what they really want if for.

So, just as the federal government should spend directly, just as the federal government should spend more on health care and spend it directly on health care, and not put it into your hands so you can give it away in tax cuts, that's why it's important when this transfer of funds goes to municipalities that there's an assurance that it's going to be spent on public transportation and not simply squirreled away so that they can brag at election time that they have no tax increase.

If they want to add additional funds for the purpose of health care, if it's a provincial government getting federal money or, in this case, the municipal level of government and the local transit commission, they should be getting it to have additional service, improvement in services, enhancement of service and updating of equipment. For instance, we want them to purchase vehicles which are as

environmentally benign as possible, not those which burn the worst kind of fuel and give the most emissions.

We want to ensure that we have some help for those who are disabled so that the new vehicles are able to accommodate those who are disabled. I know in my own municipality of St Catharines, the St Catharines Transit Commission has been purchasing vehicles where you can have wheelchair access. That makes all kinds of sense.

So public transit is a good option for people. It doesn't mean that everybody who owns a vehicle is never going to drive it. However, it does give people an option to use public transportation when it's viable and when it's reasonable.

We, for instance, in the Niagara Peninsula, would like to see an enhanced train service coming to St Catharines. Does that mean we would expect the GO Transit line that comes to Mississauga? No. There's a huge population in Mississauga; there are a lot of people who commute into Toronto. We understand that. What we would like to see would be a situation where we have more trains that are going into Toronto and coming back from Toronto, so that people would have that option. My friend from Niagara Falls who was here this afternoon would want to see that so people can enjoy the tourism of Niagara Falls, because the Niagara Parks Commission has its own transit system, as well. It's a people mover that is very useful for people who are enjoying the sights and sounds of Niagara Falls.

So the two cents of the existing gasoline tax—it's not an increased tax; it's the existing gasoline tax—makes all kinds of sense. I know that municipal leaders are going to want it, particularly those who are pro public transit.

Public transit systems have come under pressure because, as you will recall, the Harris-Eves government eliminated all provincial financial support in 1998. The capital infrastructure was the hardest hit as systems were forced to defer bus replacements, infrastructure renewal and other refurbishment needs.

I recall that when I was chair of the St Catharines Transit Commission, we received 75% in capital funding from the province and the operating funding was generously assisted by the provincial government as well. So we were able to have a service that people could access, whether they were people who simply did not want to use their vehicle on a particular day or those who didn't have access to vehicles. It saves on the roads and the maintenance of roads to have this. It improves the environment for our areas and it's just good sense to be able to do this. I'm glad it is contained in this document that Dalton McGuinty released the other day that talked about a lot of these issues that will improve everything for us.

I know the whip will tell me when my time is expiring, because I want to share it with others, but I did want to mention the transit passes. Free parking passes are not taxed as an employee benefit, so we believe it is unfair that employees who instead receive a free transit pass do not receive the same benefit. Obviously, that's a change in the taxation system that should be made. It



makes a lot of sense. I'm glad it's contained in the proposals of the Ontario Liberal Party.

We should also work with the federal government to make transit passes a non-taxable benefit so that people who receive passes from their employers will no longer have to pay taxes on this benefit. That makes all kinds of sense. A pass, a ticket that would take you throughout the greater Toronto area would be useful as well. It doesn't mean the price is going to be the same if you are going from Pickering to Mississauga, but it does mean that you can use one ticket and that it's going to be much more efficient.

I think there are a lot of good ideas in this. I hope the House will approve of this resolution this afternoon in a multi-partisan or non-partisan way, because something like this deserves the support of all members of this Legislature. I certainly lend my support to it, and I know that the constituents I represent will be very enthusiastic to see this implemented. I welcome the government stealing this as one of their own policies, as they have on so many different occasions.

**Mr David Christopherson (Hamilton West):** I appreciate the opportunity to join in and add a bit of a Hamilton perspective to this. Many of the overall views I would express are similar to those of the previous speaker, my friend from St. Catharines, particularly—I'm going to pull this out of what he said as a good starting point for me—the whole notion that whenever the feds do something, often the provincial government of the day merely takes that money as money they now don't have to spend and just deducts it from their expenditures without even so much as a thank you very much. The lot of the government in power is better, but it hasn't done a darn thing on the ground where all of this matters. What has happened, of course, is that this has been going on for so many years and through so many administrations that we now find ourselves with municipalities that are dying.

The road out cannot be paved with just good intentions. At some point there has got to be an injection of new money into all the business of municipalities, not just infrastructure. A darn good starting point is an acknowledgement that your policy will be: if the feds decide to go ahead with a major investment, which we can only hope they do, you're not going to do anything other than ensure that the money, if you're involved in the process through partnerships, is flowed straight through to the municipalities.

My understanding is that the federal government is looking at ways they can bypass provincial governments. It doesn't play very well in Quebec, and that's understandable, but for a lot of us, with the history of what's happened in the past, we wish them well because there are a lot of municipalities that would be quite prepared to sit down and make obligations with regard to where this money would go and where it would have the greatest impact on the greatest number of citizens within any given municipality, without creating a cookie-cutter, made at Queen's Park, that says virtually all municipi-

palities are the same, and therefore the programs we will fund will be the same for all of you.

It doesn't work that way. We can't afford for the federal and provincial governments to continue to beat up on municipalities. Government members may not like that terminology. You can phrase it as nicely as you want and pick all the flowery language you want, but at the end of the day municipalities are totally hamstrung in terms of their ability to address the challenges that face them.

**1610**

The cutbacks in the transportation system we have in Hamilton for our disabled, DARTS, is getting to the point where there are people in Hamilton who are waiting weeks to get out of the house, to get out of their apartment, to go and take care of necessary business. The whole idea of having a parallel transportation system was to ensure that the special needs our disabled citizens have vis-à-vis 'the scooters, wheelchairs and other assistive devices would be accommodated in a way that would allow that parallel system to provide, as closely as possible, public transit the same as everyone else in the community gets. We are so far away from that in Hamilton, as my friend and colleague from Hamilton Mountain will attest, and I suspect it's the same right across the province.

That's not even beginning to speak to the broader issue of urban transit as a whole, at a time when our federal counterpart, as we speak, is debating the issue of Kyoto and how we as a nation and the provinces therein and the municipalities therein are able to meet these targets. There are so many reasons why taking care of environmental issues on a community-by-community basis makes sense that it really is almost a crime that we're not there now. I mention Kyoto because I'm hoping that will provide some impetus for this government, even though you oppose it. It looks like the feds are going to support it, and I hope they do. I understand the questions marks and challenges that are there, but I also live in a community where the environment and pollution are a top priority. We have young people who are finding themselves diseased with asthma at rates way beyond other parts of the country. We've got cancer rates that can only be addressed if senior levels of government provide their legal structure, but the weight of government in terms of enforcement and also the funds to do it. We can't do it alone. You can't tell us to deal with all the pollution problems that, to use the obvious examples, Dofasco and Stelco create and say, "It's your problem. You've got to deal with it." We can't do it in one fell swoop, simply because the elimination of all those jobs means our local economy would collapse in a blink.

Yet it's important to say that some of the strongest proponents of doing something are the United Steelworkers of America. So this is not about jobs versus the environment; this has got to be about jobs and the environment. And we can do it. Again in my home town of Hamilton, there are great examples of new technologies that have created jobs by virtue of the fact that they're cleaning up the environment. That's a win for all

of us. But you can't leave us stranded alone to try to deal with this.

That's why the NDP, prior to the official opposition announcement of two cents, had come up with a three-cent. I'm not going to play a bidding war here: who's the best party, at two cents or three cents or a nickel? To me, the important debate today ought to be the absolute priority to transfer more money from the senior levels of government, in this case the provincial government, to municipalities and to provide for infrastructure.

Hamilton is a classic example. Growth is a priority, an absolute priority in terms of our generating the revenue we need to meet the challenges of today as well as the future. At the same time, Hamilton is a very green community and becoming more green all the time. The whole notion of stopping urban sprawl is important to Hamiltonians. But you can't leave us with this dilemma and leave us there all alone. We can't, as a province, say, "We've got to do something about urban sprawl," because we're much too quickly losing, extinguishing, valuable farmland, growing land that we're not going to get back once it's paved over, which is why the Red Hill Creek Expressway is such a problem. Once gone, it's gone forever. But if we recognize that the provincial government is not going to allow, nor do we want, municipalities to generate growth from sprawl, then we've lost the traditional way of raising and accelerating revenues in a local economy: sprawl. If you take that off the option page, now we're left with a whole new dilemma in terms of trying to find new revenue, revenue that is not there today and that we can plan for and invest for and encourage for the future to pay for all the challenges that, quite frankly, it has to be said, have been exacerbated by the policies of this government over the last seven years.

Our homelessness problem is greater than it has ever been, certainly since before you took over seven years ago. The lack of affordable housing is worse than it was when you took over seven years ago. The lack of social services and support services: we said to you that over time these things are going to show themselves, and the first place they're going to show themselves is the individual who doesn't have the supports he or she needs for a decent quality of life. Then it spreads to their family. Then it spreads into neighbourhoods, and you start to see what becomes, quite frankly, a decaying community going in the wrong direction, with no tools available to change that outcome.

So if we've eliminated sprawl as a tool, a mechanism of growth, now we're left with investment in infrastructure that's going to create the kinds of jobs and investment we need in the future. You sure can't put it all on property tax. Yes, Hamiltonians, like everybody else in the province, are prepared to pay their fair share of property tax for a quality of life within their municipality. Absolutely. Nobody's asking for somebody else to pay the bills. But we can't do it through property tax alone and we can't do it through user fees alone. It doesn't work, particularly in communities—large urban centres,

older centres—where there are real challenges, serious family challenges, fiscal challenges, health and safety challenges and, yes, environmental challenges.

Our goal as a provincial Parliament should be that municipalities not only succeed in the future and grow strong and create a good quality of life for all of their citizens, but that it should be self-sustaining. But you've got to help municipalities get there. The province has got to play the leadership role in saying, "We're here to help." I know that sounds rather trite, but that's a revolutionary thought from where we have been the last seven years. You have not been there to help. You have made things worse.

I think there's lots of capacity for municipal governments to assume a lot of these responsibilities that have now been placed in front of them. I don't think that's such a bad thing in and of itself. What is bad is to hand off those areas of responsibility to municipal governments, using the provincial government's argument that the government closest to the people is the best government and they make the best decisions etc—I have no problem with all of that as a governance structure for municipalities. But what you cannot do is what you have been doing: downloading responsibilities and not giving the municipalities, that local government, the money they need to do the job. You can't do that. Yes, it makes you look good. The ministers all stand up and say, "Well, we cut taxes by this amount. We've reduced the deficit by this amount," and you brag about it. Overall, you may look fine in terms of talking about how fiscally responsible you are, but look at the damage that has been done on the way to your getting there: underfund hospitals, underfund school systems, underfund municipalities, give municipalities more things that they're now responsible for but don't give them the money to deal with it. You can only run that string out for so long, and that's where we are.

#### 1620

That's why, to me, the important thing we're debating today is not the details of how we get there but a commitment that every party has to make going into the next election that it will be a priority to actually be a partner and be supportive and work with municipalities so that we can create the quality of life that people are entitled to and that, quite frankly, this province can provide. We're still the richest province in this entire rich nation. We're one of the wealthiest states on the entire planet, and we are the biggest, strongest, wealthiest province within that, yet we have more poor people and more middle-class people worrying about poverty than we had when you began this odyssey. It has to stop.

If the federal government of the day is prepared, and I don't care what political stripe it is, to start talking to municipalities in a new context of a new partnership—either direct, one on one between the federal government and municipalities or, as we've done in the past, with the three, the municipality, the province and the feds, fine—but a recognition by the federal government that they can't stand back any longer and hold up the Constitution



and say, "It's not our responsibility. Gee, it's a shame that municipalities are dying out there. It's a shame those local economies are slowly grinding and grinding away. But you know, there's nothing we can do. Traditionally, that's not our role"—not acceptable. It looks like we're at the point where there may be a sea change with regard to that and it should be encouraged and, yes—I'll say it—even applauded.

I was there in Hamilton in the front row when former Minister Paul Martin gave his speech at FCM, the Federation of Canadian Municipalities. I think it was the first time a federal Liberal cabinet minister had me willingly standing on my feet, applauding. It was music to my ears: a federal Minister of Finance talking about the federal government's responsibility to municipalities, that they are about to recognize that things have to change and they're going to look at stepping in with real money. Unfortunately there isn't such a happy ending, because that guy got fired 48 hours later. It remains to be seen how much of that gets back on the agenda.

**Mr David Caplan (Don Valley East):** He'll be back.

**Mr Christopherson:** I hear some of my Liberal friends next to me saying, "He'll be back." Well, maybe; maybe not. There are a number of political lifetimes in that calendar time frame that's there. What I care about is that whoever ends up in the Prime Minister's office is prepared to make those commitments. That's what matters.

This Legislature needs to take every opportunity, and it's tougher sometimes when the government of the day doesn't buy in, but we have an obligation. And do you know what? It really doesn't matter whether we're talking environment, transportation, health care, schooling, social services, the arts community, the industrial sector, light or medium industrial, high tech; it doesn't matter. Whatever you're talking about in terms of our economy, if it's not working on the local level, guess what, folks? It ain't working. On the ground, it has to be in somebody's municipality.

In winding up, let me just conclude where I began, which is that we need the buy-in from the provincial government and the federal government more than we ever have in the history of this province, to recognize that the larger municipalities that have been created through amalgamation, the downloading of services and responsibilities to municipalities and, quite frankly, just the evolution that's happening all around the world—take a look at Europe; take a look at some of the American states, the large cities.

In many ways, we really are coming back to a modern version of the city state. That's a good thing. We're way beyond the need for a paternalistic view from Queen's Park or Ottawa toward municipal governments, but you just can't hand them all that responsibility, wash your hands, walk away and say, "Well, that's it. We're done. You're on your own."

If you want to see that proof, take a look at any of our cities and where they've been over the last seven years: the property tax increases, the service cuts and, quite

frankly, the wage demand battles that have ensued in many of our communities. I know in Hamilton we've had them and it broke my heart to see the transit drivers, the HSR drivers, and the city council battling, when they weren't the cause of the problem. The cause of the problem was Queen's Park. There wasn't enough money in the municipal coffers to sit down and negotiate a fair agreement. I don't believe it was that the city councillors didn't want to negotiate one; I think it's that they didn't have the funds because they were trying to be responsible.

User fees: there are people in our cities now who are not using services that they used to be able to avail themselves of a number of years ago, because they can't afford them now. If you're talking about a working middle-class family that can afford it, that is disposable income that is now being spent on a public service that they once had and their benefit was a little bit of trickle-down tax cut, because we all know that the bigger the money you made, the more money you walked away with to the bank in terms of these tax cuts. That trade-off was not a fair trade-off.

Higher user fees, fewer services, communities divided, with citizens fighting each other, a deterioration in the quality-of-life measurements that matter to all of us, particularly toward our children: that's where we are. There is a chance to change that, but it requires hearing something different from the government than what we've heard over the last seven years. If the backbenchers are just going to stand up and make the same old tired speeches that they've made before, we're in a lot of trouble. We need to hear something different, something positive, something that gives municipalities real hope that they're going to get the tools and the support they need to deal with the ever-growing challenges that are in front of us.

I might remind the government again that, assuming Kyoto passes, those challenges are going to increase. Now's the time to step up to the plate and say things are going to be different, because if it's the same-old, same-old, we're in trouble. To that extent, we will be supporting the resolution in front of us because it speaks to these very issues that are so critical to all our municipalities across the province.

**Mr Caplan:** I am very pleased to speak to the resolution standing in the name of my colleague Mr Colle, from Eglinton-Lawrence.

For the information of all the members here, Mr Colle is not a johnny-come-lately to this. As a past chair of the Toronto Transit Commission, he knows what he speaks about with the need for investment in transit for reliable, sustainable, stable funding sources for public transit, not only here in the great city of Toronto, but across the entire province of Ontario. It is something that has been sorely lacking.

Don't worry, I say to the residents of Don Valley East and of Ontario, there is a leader in Ontario with a plan. Dalton McGuinty came out just yesterday with his Growing Strong Communities platform. A big compon-

ent of it is a true commitment to public transit. Two cents of gas tax revenue—this is Growing Strong Communities, the second in a series of platform announcements by Dalton McGuinty. It's very exciting. It's something that municipalities have been calling for.

1630

I am going to read a little bit from the platform as I get into my remarks, but I want to talk specifically about what some other people are saying about what's needed for transit investment and infrastructure, what's needed for sustainable, reliable, stable funding.

I want to start with a report that came out earlier this year from the Toronto-Dominion Bank, certainly not a traditional source, talking about cities and urban transit, housing, all the infrastructure that's required. They recognize very clearly that cities are the fundamental building block for our economy. They make some absolutely fascinating comments in their report. I heard one of the members of the government speaking earlier about the fact that Mr Colle and Dalton McGuinty hadn't done their homework. Nothing could be further from the truth. It seems like the government members at least are not reading any of the research, are not listening to the experts from TD Bank or other places I will be quoting.

This is what the TD Bank had to say: "Municipalities need access to new sources of funds." It said, "What cities really need is access to an ongoing revenue source." You can provide it from the federal government, from the provincial government, from a combination of both or give municipalities access to others.

They go on to say, "Federal and provincial governments have downgraded programs and services to municipalities, so they would be doing less with less," but they're doing more and more and the revenue sources have not followed to enable cities to keep up, to enable cities to keep their taxes down but also to provide the necessary services and the necessary infrastructure that we need to have a strong, growing, vibrant economy in our cities across Ontario and across Canada.

This is not simply an indictment of one level of government or another, but this has been happening for a long period of time and it's about time that somebody showed leadership, like Dalton McGuinty, and addressed this very critical problem.

It's quite true that other jurisdictions, our competitors around the world, are investing in their cities and in their communities and in necessary infrastructure. There are several examples in the American states, in England and in other places that are cited in the TD Bank report. They say that one of the greatest threats to the quality of life and to our economic viability is the erosion of city infrastructure. "Until recently," they say, "the relative youth of Canadian cities meant that the pressure on Canadian governments to reinvest in infrastructure was relatively modest compared to their US and European counterparts. But it is becoming evident to most Canadians that their cities are showing distinct signs of strain. Merely maintaining existing roads, bridges, transit

systems and other types of infrastructure is not enough—modernization is also required."

It is true that in Ontario the Harris-Eves government withdrew completely from public transit, from supporting not only public transit infrastructure but public transit operating, and that has been contrary to the advice of experts like those at the Toronto-Dominion Bank.

They talk about some of the tools municipalities have available to them to finance infrastructure and ongoing programs. They say this: "Property tax not right for the job." There our four main problems with it. "First, it's based on assessable property values, and hence, has only a weak relation to ability to pay. Second, its regressive nature.... Third, the commercial property portion of the tax impedes competitiveness. And fourth, there may be extended periods during which property taxes do not rise in tandem with the cost of cities," doing business and providing "programs and services."

What do they recommend? You wouldn't be surprised if this measure we're debating here today, standing in the name of my colleague Mike Colle from Eglinton-Lawrence, is precisely the nature of what folks like the TD Bank recommend.

I'll quote from their document, "The federal or provincial government could hand over a share of the receipts from a tax in their own arsenal (ie, personal income tax, excise tax, sales tax) to municipalities. Although an arrangement of this sort is effectively a grant, there is one important distinction that makes it more attractive. In contrast to outright grants, this form of revenue-sharing is funded by a specific revenue source, and hence, whereby cities would fluctuate one for one with changes in an incoming stream. As such it is both less likely to become a drain on federal and provincial finances in difficult economic times—and it is more likely to provide a reliable source of funding than an outright grant, which is funded by an unspecified source."

So this is reliable, it's stable, it's sustainable and it's the right thing to do. This is kind of advice we're getting from the TD Bank. In fact, they go on, when they talk about excise and sales tax. The pro is that it's excellent, that it's accountable, that there's sufficient growth, that it's reliable and it's equitable. On a scale of 0 to 4 in their survey, it's rated as a 4, the highest recommendation they have. This is the way to go in order to fund infrastructure, in order to fund transit operating, and that's what Dalton McGuinty and the Ontario Liberals are committed to doing.

Other folks are commenting on this type of a proposal. Professor Peter Tomlinson from the University of Toronto, one of the leading urban economists said: "Stable funding is essential to maintain our transit infrastructure. Mr McGuinty would dedicate part of the gasoline tax to this purpose—certainly a step in the right direction, and in line with what other provinces are doing." That's from Peter Tomlinson, an urban economist at U of T.



But there are others. A couple of months ago, back in June, the Toronto Board of Trade issued a paper called *Strong City, Strong Nation*. They talked about the need for infrastructure investment in the city of Toronto and, by extension, to all cities. When they surveyed their members they said that providing infrastructure—transit, housing, all of those kinds of things—was a top priority, even above tax reform, for their members. Because the Toronto Board of Trade understands that to be economically viable and prosperous, to capitalize on the advantages that we have right now, we have to have the proper infrastructure in place. And we don't have that right now because we have an absence of leadership.

I've got to tell you that Premier Eves has done absolutely nothing to cure this kind of a problem. All he has suggested in Bill 198 is that we engage more debt; what he's calling opportunity bonds. That's just more debt for cities and future tax increases, quite frankly. It's not the way to go. What the Toronto Board of Trade is saying is that government should provide "greater access to gas tax revenues by cities to support transit enhancements." They go on to say in their report, *Strong City, Strong Nation*, "Occupying existing tax room is the preferred solution as it mitigates the potential for the overall tax burden to increase."

So we've got TD Bank, we've got Peter Tomlinson and we've got the Toronto Board of Trade all saying what Dalton McGuinty and the Liberals are saying. This is the kind of leadership we need to maintain our infrastructure. This is the kind of leadership that's required to make sure we're an excellent place to invest, to raise a family, to grow, and to cure the problems of gridlock that we're seeing.

This is a critical problem for this Legislature to tackle: our cities, the fundamental building blocks of our economic prosperity. There are many more challenges that we face and that are addressed in this *Growing Strong Communities* platform. I'm delighted, absolutely delighted, to have an opportunity to speak in favour of this one particular measure. It's time. It's needed. It's what real leadership is all about.

In fact, I would challenge any member on the government bench to tell us, if you don't like this plan, what is your plan? They can't answer that question. They have no plan. They have no policies—absolutely nothing that I've heard or seen to date for education, for health care, for cities, for transit, for housing. They have no plan. They have no policies.

**Mr Bert Johnson (Perth-Middlesex):** Hydro.

**Mr Caplan:** I say to the member from Perth, you don't want to be talking about hydro, my friend. You guys have flip-flopped and bungled that file more than just about anybody has in this province. So, my friend, I wouldn't be talking about hydro today in this House at all. You ought to be ashamed of yourself, how you bungled the market completely. It's the people of Ontario who are going to pay the price for your incompetence.

But there is a leader. Dalton McGuinty and the Ontario Liberals are committed to solving the problems

of what you fixed, but also taking it to another level. We're going to do it. Whenever Ernie Eves has the guts to call an election, you believe me, it's going to happen. I want to turn the floor over to some of my other colleagues to speak today, but I'm proud to support this measure.

1640

**Mr Gilles Bisson (Timmins-James Bay):** I wasn't going to go there because I thought we'd come into this debate just saying that we support the motion because we believe it's a step in the right direction, but after the comments from my good friend talking about Tories flip-flopping, I just can't resist the opportunity to point out that for the masters of flip-flopping to be calling the Tories flip-floppers I think is a little bit hard to take. I didn't want to let that go by without making sure that people understand that the Liberals under Dalton McGuinty have been flipping and flopping on all kinds of issues.

We watched the hydro debate unfold over the last couple of weeks. First of all, our good friend Mr McGuinty says, "Oh, I'm with the workers and I'm with not privatizing and opening the market." Then it was, "Oh, no, I'm opposed." Then he was in favour, then he was opposed, and on the day he finally said unequivocally, "I oppose the opening of the market and if I was the former government," says Mr McGuinty, he would not revisit this issue. He sent out a fundraising letter to the Bay Street people saying, "Send me money because I support the market and market opening."

Don't have Liberals stand in this House and accuse Tories of flip-flopping. I like it when Tories flip-flop, because normally they're going in the opposite direction to what I want. So I give you credit as Tories for having reversed a position on a number of unpalatable issues in my view, but for the Liberals to call them flip-floppers I think is just a bit more than I want to take today.

**Interjection:** The NDP is flip-flopping.

**Mr Bisson:** No, the NDP is very consistent. I'm just saying to my good friends in the Liberal caucus and my good friends in the Tory caucus and to all those in this assembly and others who might be watching, the one thing you can count on is that New Democrats will take a position. Sometimes it may not be a popular position. We understand that at times we take a step forward as a caucus. We say as a party that we want to take a position on something that may be seen as unpopular, but we do it as a matter of conviction. Sometimes people will agree with us and sometimes they won't.

I want to get back to the motion because I think the motion that has been raised by my good friends from the Liberal caucus is a good one, and that is the whole discussion about how we're able to better support our communities out there and able to provide proper funding and a good partnership between the province and municipalities in providing transit funding. I believe it's a good start. I'm not going to wholly endorse the Liberal plan because I think there are some things in their plan that are falling short of where they've got to go, but it's a

step in the right direction. I'm prepared to give it support, as are the rest of the members of our caucus.

I want to talk about what the Liberals are proposing first. That is the concept of saying that we the province of Ontario should basically give municipalities a share in the taxes paid by motorists when it comes to the gas they purchase for their cars. That's something that our caucus put forward, I think about a year and a half or two years ago. We put that notion forward as an idea, saying it was something we were interested in, in a discussion paper. We then took a position formally, that that is something that we believe in and something that we should be doing, should we form the government. The Liberals have come to see the wisdom of this NDP policy. We support Liberals sometimes coming over and supporting some of our ideas. I get a little bit miffed as a New Democrat because far too often they like to steal our ideas and basically say that it's them who thought of it, but let's not get into that fight today. Let's just talk about what the issue is.

The concept is, municipalities should share in the revenue. We, as the New Democratic Party, as a social democratic party of Ontario, understand that's not a bad idea, it's not a bad concept, because municipalities by and large are paying the lion's share of being able to provide road infrastructure and transit infrastructure in their municipalities. The pollution that happens in those communities because of the gas-guzzling cars that are out there and because of pollution in general is felt by people in those communities. Municipalities and local ratepayers by and large are having to pay for pretty well the lion's share of the transportation infrastructure. So the concept of getting municipalities to share in the gas tax revenue is not a bad one. We think that's something that quite frankly would make some sense. That's why we as the New Democratic caucus have put forward the idea, going back a couple of years ago, that there should be three cents set aside out of the taxes collected on gas for municipalities so that we can assist municipalities in providing good transit systems.

I want to come at this debate of transit from a bit of the perspective of a northerner and also from the perspective of what it means to people in Toronto. Now, many of the communities that I represent don't have transit services. The communities are small. The way of getting around is basically by road. If people are lucky enough, they own a car and that's how they get along. In a lot of communities there are no urban transit systems because of the size of the communities. That's why in those cases, those communities need to get the support to use some of that gas tax money to be able to support the roads the municipalities have and keep them in good repair in order to provide a transportation network within their communities.

I look at communities like Kapuskasing, Hearst and others across northern Ontario that are having to do this by and large on their own. Other than the connecting link program that they use in order to maintain highways that

go through their communities, municipalities by and large are left alone to maintain those roads.

So I as a northerner welcome the concept that we've put forward as New Democrats, and that now the Liberals have come to, of saying that those municipalities should be able to share and they should be able to get some of that gas tax money back so they can properly maintain their roads. One thing I want to point out is that a lot of roads in these communities have gone very seriously into a state of disrepair over the past number of years. One of the reasons for that is that upper levels of government have downloaded much of that service on to municipalities. I'll defend the government to a certain extent. It started with the federal Liberal government. They started this massive downloading of federal responsibility on to the provinces. As a result, they've shed a whole bunch of spending that they used to be responsible for, and a lot of it went to provinces to support municipalities when it came to maintaining road infrastructure down to the provinces. As a result, provinces across Canada have been in a position where they've been downloading the responsibility on to municipalities, to the end user.

I want to use some words that Mike Harris said a long time ago, and it's one of the quotes where I agree with him: "There is only one taxpayer." If the federal government at the upper level decides they're going to absolve themselves of their responsibility and not properly fund provinces that, in turn, fund municipalities, they're kidding no one. All it means is that the money they cut out of this budget is eventually going to be recouped with taxes at the bottom, at the municipal side, or the service is not going to be provided at all.

In the case of municipal road infrastructure, far too often what ends up happening is that the infrastructure is not well maintained. You can go into communities across this province and see to what point the roads have deteriorated since that entire downloading process was started by both the federal Liberal government and the provincial Tory government here in Ontario. It's rather sad, because unfortunately—or fortunately, depending what side of the debate you come on—roads are an essential part of our transportation infrastructure.

So we support the concept of giving, as they say, the tools to municipalities to be able to do their jobs by sharing in the gas tax revenue. That's why we first proposed that idea, oh, better than about two, three years ago.

What do we need to do to build a good infrastructure in an urban setting? That's the other part of what I'd like to talk about.

Part of what the Liberals have focused on is what we focused on as well, which is being able to have municipalities like Toronto, Hamilton, Ottawa, Timmins, Sudbury or any community that has an urban transit system have funds to be able to operate that system so that the burden of operating it is not entirely on the ratepayer by way of higher rates, not entirely on the back of the municipal taxpayers. So by allowing some of the gas tax



to go over to those municipalities, they're going to be able to offset some of that cost. We support that concept.

I have a bit of a difference with the Liberals in the narrowness of the plan they're putting forward. I think we need to go one step further. What we need to look at in this province, I think, is the examples of what we're seeing in some of states in the United States and some of the cities, but more to take a look at what happens in Europe. Europe has come at the transportation question in a very different way. If anybody has travelled to Europe—I have a number of times now. I've noticed they have not only a much better urban transportation system but much better city-to-city transportation. They have developed a transportation system by rail that you can get in almost any city in Europe; I would say any city in Europe is probably the correct term. You can get on a train and be able to move from city A to city B in really reasonable time, be brought from downtown core to downtown core and do it in a way that's very cost-effective.

1650

The countries in Europe, like France and Germany and Italy and others, who are big promoters of rail service obviously are subsidizing the running of the rail service, and in many cases the rail service is owned by the country itself, is owned by the state, the point being that they made a policy decision some years ago that rather than putting all of their eggs in one basket, as we have in North America, which is the building of roads, they would divide the money they use to subsidize transportation by some of it going to rail transit, some of it going to air transport and other parts of it going over to maintaining roads.

For some reason, in Canada we've taken a very odd view, as the Americans have, that the only correct public subsidy for transportation is for highways. I find that a very bizarre policy when you look at it. In North America governments of all stripes have no difficulty—in Canada or the United States—in understanding that we have a responsibility for not only building highways and municipal roads but for maintaining them. We think nothing of the billions of dollars that we spend every year to build up road infrastructure in this province. People generally—the voters, the taxpayers—see that as a good thing too. But for some reason, in North America, and the case is here in Ontario as well, we say, "Well, we don't have a responsibility," like it's a bad thing if we spend public dollars to maintain a rail system and it's a bad thing to spend public dollars to operate an airline system.

I just think that's rather an odd position to take, because if you take a look at the Europeans, their airline, rail and road systems are in some cases entirely paid by the taxpayer or greatly subsidized by the taxpayer. For instance, in Europe, if you take a look at it, most countries own the rail system. Except for England, where they've privatized and it's become a real disaster, most rail systems in Europe are owned by the state. If they're not owned by the state, they may be privately owned but are greatly subsidized by way of construction—capital

costs—or operating costs by the state itself. And the reason for that is that Europe has understood that in a setting of how many hundreds of millions of people live in Europe, if you were to only put your eggs in the highway transportation system, you would end up with congestion in the cities and the countrysides of Europe to the state that nobody would be able to drive from point A to point B in a very efficient way. They've understood that you have to have an integrated approach when it comes to developing a transportation infrastructure. So they've purposely put public dollars in the rail system.

As a result, if you go to Europe, fly to any city in Europe—I've flown into Paris, I've flown into Milan, I've flown into Heathrow, I've flown into Amsterdam. I've been to a number of cities across Europe and different parts of the world, but for the case of Europe you fly into any major city and the rail system comes right to the airport. A traveller who's coming from abroad or coming from within Europe for business or pleasure basically gets off the plane, goes through security, walks out, is on the rail platform and away you go anywhere in Europe that you want to go, at a very reasonable price and at a very quick speed. For example, a person flying into Paris to go to Brussels can get on the train at Charles de Gaulle airport and end up in downtown Brussels in about two hours, two and a half hours at the most. That's really a quicker way of doing it than renting a car and trying to drive along the highway. Conversely, when a European traveller gets on the highway system in Europe, you don't see the congestion on freeways in Europe that you do in North America.

But they have a lot more people in Europe, and you have to ask yourself the question why. Because they've understood that if you all do is build highways, eventually what you'll end up with is more road congestion and then you're caught in a vicious circle. You're caught with, "Build more roads so that we can free up the congestion, and the bigger we build the roads, the more people use the cars and the more roads you've got to build after. It's a vicious circle."

In North America we've taken a completely opposite view. We've said, "The only way to really invest public dollars that is acceptable to most governments is to spend them on building highways and not developing our rail and air infrastructure." So we look at a federal government in Ottawa that started under the Chrétien government, that has basically sold off CN. CN used to be a crown corporation that was there for the benefit of all Canadians. The government has sold it off, said, "That's a bad deal." The government, when Mulroney was in government in Ottawa, got rid of Air Canada and got rid of the whole transportation system that we used to own as citizens, taxpayers, in the airline industry. In Ontario, the Conservatives were elected in 1995. They first of all privatized the only air service that we owned as a province, which was norOntair. Conversely, now you've got Bearskin Airlines that is basically providing the entirety of whatever service is left, which is less than it

used to be under NorOntair. We're paying far more to travel and the connections are a lot less.

If a traveller comes to Timmins or Thunder Bay and wants to go east or west across northern Ontario, more times than not, the east-west connections across northern Ontario are insufficient and people actually fly through Toronto. I know lots of people who are in Timmins who have to do business in Thunder Bay, and rather than paying \$1,200 to fly return by Bearskin air services, which takes about three hours because of all the stops, they are electing to go to directly into Toronto and back up to Thunder Bay at a lesser cost. For example, we've got Jetsgo coming into Timmins at \$188 return from Timmins to Toronto, and then you can get on WestJet to get up to Thunder Bay. It's cheaper for people to go to Toronto and back up to Thunder Bay.

We have taken a completely opposite position than I think we should have, as a public policy. This should not be an ideological debate, I would hope. Governments of all stripes have to understand that if we're going to develop a transportation system in North America, in our case in Ontario, you have to have an integrated approach.

You have to say that where it makes sense, we will spend money on roads and we will use public dollars to do that because it's for the public good. Where it makes sense, we spend money on urban transit because we don't want everybody to use cars in our cities. We should have a good transit system so people can move around conveniently and at a cheap cost. Where it makes sense we should use rail, such as GO Transit, so that a person can move from one community to another—for example, from Oshawa to Toronto to Hamilton—and do that in a cost-effective way to both the ratepayer, the person who pays the taxes, and the end-user, the who has to use it. And where it makes sense, why not look at developing our air services? Canada is a large country. It may not be feasible to build rail everywhere, so maybe in some cases you have to have some sort of air service to link communities together.

I would support that we have to come at this in a whole lot of ways. In Ontario, it would be a complete departure from what public policy has been for a long time. What you have to do in order to do this correctly is establish a special committee of the Legislature, give it a mandate to look at this for probably a year or two, because it's quite complex, and to say what kind of public investment we have to make in Ontario to develop a better integrated transportation system, so that no matter where you live in Ontario, you have reasonable service. You probably can't afford to build a Cadillac, but you can probably afford to invest and build a reasonable transportation infrastructure so that it's not just highways. The problem is, the more you build roads, the more you use them, and the bigger you make them, the more they become congested. It's a vicious cycle.

I look at Highway 401 as a good example. It was built some years ago and it was thought, "That's going to carry us into the next century without a problem. Look how big the freeway is." You may as well walk when you're on

the 401 anywhere from about 8 to 10 o'clock in the morning, because you can probably walk faster on the 401, at times, than you can drive. Governments, including mine, the NDP government, and including now the Conservative government, spent money to try to deal with some of the bottlenecks, not only adding extra lanes, but building brand new highways such as Highway 407, which we did when we were in government. All that does is create more congestion on our highways because more people use cars. I would argue that a special committee of the Legislature should look at the issue of what kind of investments we need to develop a good transportation system.

Let me tell to you what I think a good system would be. You should have a system that says, for example, that in southern Ontario we invest and develop a better GO service. GO does the best it can with the limited amount of money it gets. At one point they used to get public subsidies. The Tory government came in and cancelled all that. Now they've reneged somewhat and started to give some of the money back.

What do we need to make GO really work? For example, I'm a pilot and I have flown across this great province many times. Just recently I was flying down toward the London area at night. I was looking at the rows of lights in southwestern Ontario. There's just lots and lots of population in that part of the province. It seemed to me it would make a lot more sense if we had a good inter-urban transit system when it comes to GO, to be able to connect communities like Hamilton, and communities in between, up to Toronto, and maybe even further out toward the London or Windsor area.

How you would do that would be the subject for the committee to look at. The idea would be, if I live in Hamilton and I have to go to Toronto for work every day, or if I have to come to Toronto or any other community in between, or past, you should make it as affordable to the rider as possible so that it is a disincentive for the person to utilize their car. That should be the first thing. We should say to ourselves, "If I'm living in Hamilton and I had to drive to Oshawa," or "I'm living in Hamilton and I have to drive to downtown Toronto and back," you should make it so that it's cheaper for the person to use the public system than it is to utilize their own car. That's the first thing you should do. Why? We want to encourage people off our highways.

**1700**

The second thing we would have to do is say, "We need to make this trip as convenient as possible when it comes to both schedule and comfort of ride." The person says, "OK, I'm in Hamilton and I have to go to downtown Toronto. If I take my car, it's going to cost me X amount of dollars in gas there, X dollars back and so much for parking." When you add all that up, whatever the number is—we'll say it's \$40—you should be able to say, "We could provide you with a much cheaper rate if you utilize GO Transit. Not only that, we're going to put in place a schedule that says you don't have to sit at the railway station for only one train that goes in the



morning, one that goes in the afternoon and one that goes at night." You'd have to increase the frequency, because if you increase the frequency of the service, there are more people attracted to use it. The more you get the riders, the more revenue comes into the service.

The other thing you have to do is integrate when the interurban transit comes into the city of either Hamilton or Toronto. The person has to be able to say, "I bought a pass and it goes from Hamilton downtown to 15 Gervais Drive at the Ontario Federation of Labour," so the person says, "I buy a ticket and it gets me all the way there."

You do, for example, what they do in Hong Kong. I know when I've been to Hong Kong, you go in and you don't buy one ticket. If you're in Paris, I think it's the same system, if I remember correctly. What you do is you say, "Here I am." The machine where you're buying the ticket says, "Here you are," or you go to the person, and all you do is tell the machine or the person where you're going. You buy one ticket that gets you from point A to point B. The person who's getting off the train in downtown Toronto doesn't have to fumble around for the two-dollars-and-whatever-it-is for the TTC. He basically takes the same ticket that he or she used to get on the train in Hamilton, uses it as a pass—because you can do that with electronic swipe—so when they get on the transit system in Toronto, it gets them all the way to where they want to go. If they purchase it before they leave, they've got their return ticket. Quite frankly, that's how most of the systems work in Europe. If I'm in Paris, that's the way it works. I know I've used it there. I certainly know that's the way it worked in Hong Kong when I was there as well.

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** Fare by distance.

**Mr Bisson:** It's fare by distance, and it makes sense for the end-user. It makes a lot of sense. I would argue, for the transits that are selling the tickets, it makes sense to them. Not that I like the idea of having less people, but it's a little bit more efficient when it comes to being able to organize the ticket sales themselves. There's also a return on investment for the actual investor.

The idea would be, you have an integrated fare-by-distance system where you go from point A to point B, you buy one ticket either one way, return or weekly—whatever way you want to do it—and it's based on where you're going; one ticket.

The other thing I was saying is you have to have a good scheduling system so that, if I'm the commuter who does it every day, I'm the person who's coming into Toronto for the afternoon or whatever it is, you don't need a system that says, "We've only got three trains per day." You have to increase the service so that the frequency is up and up. I would be willing to guarantee that if you build such a system in southern Ontario—and most of the infrastructure's there already. This is not a massive investment; this is just a matter of reorganizing what we've got and then increasing the services. We would probably have to buy some more rolling stock and increase employment levels within GO Transit and

others, but I would argue we would take congestion off our freeways. I think most commuters would say, "Hey, if I can get on a train in Hamilton and get downtown to where I'm going for cheaper, faster and better than I can with my own car, darn right I'm taking the transit system."

That's the other point I wanted to make. You also have to look at the schedules in regard to the commuter going from Hamilton to Toronto. You should have some better, more direct routes. Right now, if I get on that train, I stop, I think, seven stops before I get to downtown Toronto because we want to make one train pick everybody up. They've only got about a couple of sort-of-direct trains. What you have to do, in my view, is to say, "How many stops are appropriate in the given amount of time that you take from getting the person from Hamilton to Toronto, or from Oshawa to Toronto, in order to be able to make it so that the ride isn't longer than it would be for them to take the car?"

I would argue that you take people off the road by doing that kind of approach. There's an immediate saving, and a long-term saving, in my view, because if you take people off our highways, it means you don't have to spend as much on the reconstruction cycle of the highway. We know that we have to rebuild highways not only based on their age but based on their usage, and if we're using highways heavily, we have to reconstruct them far more often. Secondly, you wouldn't have to build more overpasses, more roads and more on and off ramps if you did that particular model.

For a community such as mine in northern Ontario, I think the model would be a little bit different. I'm going to stick my neck out. As I said at the beginning of this debate, New Democrats often take positions that I think are well reasoned, but from the public's perspective they may say, "Where did that come from? I've never heard of it. I'm not sure if I like it or not." I'll propose this: what's wrong with our saying, as a province or as the federal government, that we have a role in the airline transportation industry? If the private sector can't provide a fare at a reasonable rate to the commuter—I'm a commuter. I commute every week from Timmins down here to do my job at Queen's Park. There are a number of people in communities like Timmins and North Bay and Thunder Bay and other places around the province who have to come to Toronto or other places in southern Ontario on a very regular schedule for business or medical reasons or whatever it might be. So if the private sector, such as Air Ontario, can't provide the commuter, the travelling public, a fare at a reasonable rate, maybe there is a role for the province to get involved.

Maybe what we have to do is get into the business ourselves by running a provincially owned and controlled system, or we have to find some way of being able to support or regulate the industry itself. Maybe it's a combination of both. I wouldn't advocate that we do that overnight, because it would be a heck of a lot of money, but we need to take a look at where it is. Then you can sit down, if you're part of the people who are paying for the

service and regulating or running it yourself, and start making decisions about, "You know what? Not all transportation lines are north-south in Ontario. A person has to be able to get from Sudbury to Thunder Bay, as a person from Hearst has to be able to get from Hearst to Manitowadge." You have to have those kinds of systems.

It may not be applicable to do all of those on rails because of distances. Maybe you've got to do them with the airline service. So an integrated approach, in my view, would include utilizing public policy and some public dollars that we now spend only on roads to develop a more integrated approach to being able to utilize airline services in areas of the province where there are large distances.

I've just got to make the plug for the James Bay. Communities like Peawanuck are having to fly their fuel into a community up on Hudson Bay to be able to supply the diesel necessary to run their generators. The reason for that is that we have a very poor system of transportation on James Bay. Either you put it up by barge in the summer or you fly it up by plane in the winter. That's basically the only choice the Hudson Bay communities have. So there is an argument, I would say, for public dollars to be utilized to be able to—yes, I'm going to say it—subsidize transportation costs in communities like Peawanuck, Attawapiskat or Moose Factory, because they have no other choice. The only transportation system for them north of Moosonee is airline services. People in Toronto think absolutely nothing of spending public dollars to support their transit system or to support the roads, but for some reason we think it's a bad thing to subsidize airline transportation on the James Bay coast. I would just say, what's the difference? The difference is, the only choice they have is airline services. If the province wants to go in and build a road, go and build it. I don't think they're going to build it in short order, so we need to be able to provide that transportation infrastructure.

The other point I want to make is that in northern Ontario you may, and I believe you should, take the position of keeping the ONTC public. This move by the government to privatize CN is, I believe, in the long run the wrong thing for northern Ontario. CN is trying to tell us, by way of the government, "Trust us. It's going to be better than it was before." How many times did I hear, when we privatized something, "Trust me. It's going to be better than it was before," and about five or six years down the road you find out that you don't have the services you should have? The government told us in 1996, when they privatized NorOntair, that we'd be better off. We now pay more than twice the price for airline tickets and we get less than half the service.

The point I make is simply this. If we're going to utilize, as we recommend in this motion, dollars from fuel taxes to build infrastructure, both transit and roads, I would argue we need to take a little bit more of a global approach and take a look at developing an integrated transportation strategy in Ontario. Why? Because at the

end of the day, the province, in my view, is responsible for providing a good transportation network so that either travellers, business travellers or goods that are transported in Ontario can be transported efficiently and cheaply enough so that, no matter where you are in the province, you have half a chance of being able to develop your industry and not just having it all basically centred around a place like the GTA.

So as I said at the beginning, we will support this motion. We think it's a step in the right direction. As I said at the beginning, I'm glad the Liberals have taken the view they have. We had put this forward about three years ago. We're glad to have them onside. We look forward to what will happen in this debate. I hope for the day that we do have a standing committee to take a look at the whole issue of an integrated transportation system.

1710

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate with respect to the opposition day motion.

Let's be frank: redirecting a portion of provincial gas taxes to municipalities to increase the provincial investment in public transit could mean raising taxes, and this government has always been opposed to that approach.

In addition, linking tax revenues to specific programs simply doesn't work, for the following reasons: it limits the ability of the government to address its priorities; it can lead to an inefficient allocation of revenues; it may not provide enough money to fund the program adequately; in some instances, it may provide more money than is actually needed; and it is not accountable to taxpayers.

This is a Band-Aid solution that flies in the face of how this government has kept fiscally responsible to the people of Ontario by ensuring that all tax revenues go to the consolidated revenue fund, unlike the federal government, which also takes a gas tax from consumers and puts back a minuscule amount into our transportation network.

It has been reported that of all the monies the federal government takes, which is in the billions, about 5% of that goes back into our transportation system. On top of the hardship that's placed on consumers with respect to the gas they buy, the federal government has a GST component on the tax, which is a tax on tax with respect to gasoline.

This resolution points to a motion with respect to provincial investment. We should also be looking for federal investment in our urban transit system.

I think the member opposite did indicate with respect to the federal government essentially getting out of the rail industry by their act in 1996, which allowed CP and CN to get out of the rail system in a number of areas. That may have affected my riding of Barrie-Simcoe-Bradford if we hadn't gone in with some significant monies to aid the city of Barrie to maintain the rail line between Barrie and Bradford. It was Minister Eves at the time, who was the Minister of Finance, now our Premier, who had the foresight to make sure that we invested significantly to maintain the rail system. The proof in the



pudding is that if you look at the rail between Barrie and Orillia, there are no rail tracks. That's a direct product of what the federal government did with our rail system.

The Ontario Legislature decides how money is best allocated to fund priority projects by putting all tax revenues into the consolidated revenue fund. Under the Financial Administration Act, all public monies are to be deposited in the consolidated revenue fund unless explicit legislation is enacted to override this provision. This is a safeguard to ensure that the government remains fiscally responsible to the taxpayers of Ontario. We can't simply reallocate taxes to satisfy a whim of the opposition.

Our government recognizes the need for a balanced, integrated transportation system. Our government is taking a leadership role in developing a coordinated approach to transit. We have announced \$3.25 billion over 10 years for transit expansion and renewal. This includes up to \$1.25 billion for transit expansion projects in the Golden Horseshoe and up to \$250 million for cities outside the Golden Horseshoe. This also includes \$100 million in 2002 for the Ontario transit renewal program to assist municipalities in replacing and refurbishing transit fleets. We have assumed responsibility for GO Transit, which frees up over \$100 million per year for municipalities within the current GO service area to reinvest in transit.

I'd just like to say to my constituents that unfortunately we were not able to keep GO Transit because the provincial government of the day, the NDP government in 1992, discontinued the service from Barrie to Toronto. I have been meeting diligently with GO Transit, and the Ministry of Transportation has been involved, to return GO Transit to the city of Barrie. That would be a very expensive undertaking in terms of being able to return that to the city of Barrie.

We've seen expansion in GO Transit in the town of Bradford West Gwillimbury, up to three trains per day. Certainly that has enhanced the transportation system. We've also seen an increase in the number of GO buses out of the city of Barrie. I believe it's in the neighbourhood of about 10 per day. But returning GO Transit to the city of Barrie, in my view, is one of the fundamental requirements of what this government needs to do with respect to urban transit, because of the tremendous volumes of traffic and transportation on Highway 400. But it would also provide an opportunity for the citizens of Barrie and surrounding areas, in Innisfil and Bradford West Gwillimbury, to go to downtown Toronto, whether it's for work or for health services, and that's very important. So I'm working very hard for the return of GO Transit to the city of Barrie, and I know that our transportation policies are directed to making sure that will happen by working with municipalities.

The \$100 million that's been freed up for municipalities within the current GO service area could buy municipalities 200 buses or 55 subway cars. David Bradley, president of the Ontario Trucking Association, has said he's extremely pleased that transportation issues are at the forefront of the government's economic

renewal strategy. We also heard in the throne speech of the federal government in January 2001, when they said that the government of Canada will co-operate with provincial and municipal partners to help improve public transit infrastructure.

While the one-time federal announcement of \$76 million for the city of Toronto is a good first step, the federal government must make a long-term commitment to funding transit nationwide. We have come to the table with long-term funding. Why can't the federal government? The government is assuming about \$1 billion in GO costs over 10 years. Our government is making a significant commitment to GO Transit. This has freed up \$500 million in Toronto over 10 years, which could buy 1,000 buses or 275 subway cars.

For the GTA municipalities and Hamilton, some \$500 million has also been freed up. We are cost-sharing up to 33% of-eligible fleet replacement costs. We have also announced up to \$1.25 billion for eligible strategic transit expansion projects in the Golden Horseshoe, such as transportation hubs, and another \$250 million for cities outside the Golden Horseshoe.

On September 27, 2001, the provincial government announced a bold new visionary plan for transit that provides for a 10-year, \$9-billion plan to ensure the province has a transit system that will help strengthen the economy and protect the environment. The investment is made up of \$3.25 billion from the provincial government in investments to renew and expand transit. Ontario has challenged the municipalities and the federal government for matching contributions. However, the federal government has yet to respond with full matching funding.

The provincial 2001 budget announced the creation of the Golden Horseshoe Transit Investment Partnerships, also known as GTIP, by allocating \$250 million from the millennium partnership fund. GTIP has now increased to up to \$1.25 billion to support the expansion of transit infrastructure, along with the new \$250-million transit investment partnerships, also known as TIP, to support transit expansion in cities outside the Golden Horseshoe. The GTIP funding will support interregional transit infrastructure such as commuter rail, light rail and dedicated transitways.

It also supports new rolling stock, signals, station infrastructure, and advanced fare collection. Passenger information systems will also be eligible for funding, provided they create region-wide network service benefits.

#### 1720

The Ontario transit renewal program targets \$100 million in 2002 for replacement and refurbishment of municipal transit fleets. It reduces a municipality's share of capital investment in these fleets by sharing up to one third of the cost of ongoing vehicle replacement. Municipalities receive their allocation based on the number of riders using their system and ensuring a minimum support of up to one third of fleet renewal needs. Sixty-five municipalities are eligible to receive funding to renew their transit fleets this year. Our government is

committed to build a transit system that meets the needs of the people of Ontario. Safe and efficient transit is a vital part of a seamless and integrated transportation network province-wide.

I know the city of Barrie is benefiting from this program, by our investments in their transit program. The Ontario transit renewal program demonstrates that this government is listening to municipalities. The number one concern of our municipal partners was the replacement of aging buses. The Ontario transit renewal program will mean more reliable and more efficient transit systems, lower maintenance costs, increased accessibility and, most importantly, reduced vehicle emissions for a cleaner environment. In short, this funding will give the people of Ontario a better quality of life. I know that the city of Barrie has benefited from this in terms of their transit fleet in the past. I know they are benefiting from it also this year.

Those are all my comments with respect to this motion which I don't support with respect to the gasoline tax.

**Mr Bart Maves (Niagara Falls):** It's a pleasure for me to rise and add to the debate on this opposition day motion brought forward by the Liberals. I want to start off by saying the motion itself is convoluted, not clear, poorly written. I looked through the government of Ontario telephone directory for this year and I just happened to find about 160 people under the official opposition, office of the leader of the Liberal Party—members and all their staff, 160 people. They don't get to put forward many opposition day motions, they don't have a lot of opposition days, so when they put something forward I thought that they'd take the time to do a clear and concise motion, but apparently those 160 employees couldn't quite get it right.

All day we've talked about this motion and assumed that what the motion meant was that we're going to take two cents from the provincial gas tax and give it to municipalities and then they would, of course, spend it on public transit. But that's not what the resolution says. That's not what the motion says at all. This has caused confusion throughout the debate. The member from Timmins was confused. He talked at length about this gas tax money being revenue that they could use up north on roads where they needed more money for roads, but that's not clear from this. What it says is that, "The Legislative Assembly of Ontario directs the Ernie Eves government to commit to directing two cents of the existing provincial gas tax to municipalities, which will double the provincial investment in public transit." But it says nothing about forcing the municipalities to use the money that they get from the gas tax for public transit. The members opposite have talked about it all day long as if that was the case, but that's not what the resolution says. As I said, the member for Timmins was confused about this. He believed that the money could be used for roads. One would assume that from listening to what the Liberals said, that somehow this resolution would force municipalities to spend it on public transit, but in actual

fact it does not. There's no commitment in the resolution that says that.

I'll tell you another thing that's confusing about this. Let's just assume that that is what they meant. The member from Timmins, when he got up, made another interesting point because there are all kinds of very small municipalities around the province of Ontario that have no public transit, that aren't interested in having public transit. So if they collected money through this gas tax, how could they spend that money? Their arms would be behind their backs. They couldn't spend it. They don't have public transit. So it's a very poorly drafted resolution at the outset.

Another thing I find strange is that they say "two cents of the existing provincial gas tax." By the way, there's a provincial fuel tax. One is not sure if they want to include that or not, so we'll assume it's just the gas tax—two cents a litre on the provincial gas tax. The members opposite use the number of about \$300 million. This would mean municipalities could then spend that on, I guess, public transit. Over the last seven years we've been spending, on average, about \$450 million on public transit in Ontario. So that's passing strange. We spent over \$3 billion in the past seven years on public transit in Ontario; on average, about \$450 million over that seven-year period. Now, it's come in spurts but that's the average. This says, "No, it'll be dropped down to \$300 million." That's strange.

Another thing is that if the province takes two cents of the provincial gas tax and passes it on to municipalities, that's \$300 million—I'll use the member opposite's figures. That's close, I think, if you look at the books right now. Well, what do we do with a \$300-million hole in our budget? They haven't said that. Are they no longer going to fund Visudyne in the province of Ontario? Maybe the \$100 million for new nursing care and long-term care—maybe they want to eliminate that three times.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I hope not.

**Mr Maves:** I would hope not, too.

Recently we gave a little bit over \$300 million for hospitals. Maybe they'll eliminate that. They haven't said what they're going to do to make up the shortfall in the revenues that this has for the province itself.

Mr Smitherman, the member from Toronto Centre-Rosedale, got up after one of our members and said, "Well, there's the difference between the Liberals and the Tories." He said, "There's gridlock and you guys would build roads to solve the gridlock. We, the Liberals, won't build roads." They won't build roads. Well, that's interesting. We spent a billion dollars this year on roads, and I know there are people up north who really are appreciative that we're going to do some work on widening Highway 69. Is it the Liberals' position that they're not going to do that? The Queen Elizabeth widening through St Catharines, the mid-peninsula corridor, Highway 11, Highway 17, Highway 400—I know the folks in Barrie want to have that widened; they need that



widened. But the member from Toronto Centre-Rosedale said, "We won't spend money on roads; it's bad for the air. We're going to spend it on our public transit."

As I said, they want to commit to spending \$300 million on public transit. We've been spending about \$450 million if you average it out over the past seven years.

The member made it sound like we didn't spend any money on transit. Several of the Toronto members got up in the Liberal Party and lamented a lack of spending on transit. Well, in 2002 funding alone the TTC is going to receive \$62 million for transit renewal. The province has taken back responsibility for GO Transit. That frees up almost \$51 million for the city of Toronto. Toronto receives \$13.3 million for short-term transit expansion projects this year and we're funding \$19.3 million for the second platform at Union Station. The total capital assistance to TTC this year alone is \$145 million. So for the members outside of Toronto it's tough to sit here and listen to the member from Toronto Centre-Rosedale and other members complain and lament lack of funding.

Let me just tell you some of the amounts we've spent on TTC capital funding: in 1996, \$298 million; in 1997, \$275 million; in 1998, \$829 million; in 2001, \$50 million. So in total since 1996, \$1.8 billion at the TTC. So to hear the members complain about that, it's quite galling.

When I first heard about this resolution I was somewhat surprised. I thought maybe the Liberals were, for the first time in seven and a half years, going to stick up for Ontarians against their federal cousins. We all know in the House how the Ontario Liberals, the Dalton McGuinty Liberals, are the only party in all of Canada to refuse to stand up to the federal Liberals with regard to health care funding. Every single government, every single party in Canada, every stripe—Liberal, NDP, Conservative—they all agree that the federal government spends 14 cents on the dollar on health care. But only the Dalton McGuinty Liberals refused to take them to task. They help the Liberals and they push forward this tax point argument, which is a foolish argument. There is a study for the Romanow commission that said, "It's a terrible argument. The Liberals shouldn't be advancing it any more." In actual fact, everybody agrees that they're only spending 14 cents on the dollar on health care except the Dalton McGuinty Liberals. They refuse to stand up to their federal Liberal cousins.

1730

I digress, but I thought that maybe in this resolution they were going to go after their federal cousins and say to them, "You take nearly \$2 billion a year out of Ontario alone on gas taxes." That's right. The federal Liberals, with the GST involved also, take out nearly \$2 billion a year on gas. So I thought maybe the provincial Liberals are finally going to stand up to them and say, "Spend some of that on roads." No. That's not what this is all about. They absolutely refuse to do that.

I have some statistics for you. If you look at capital funding for transit, the total investment for transit since

1995 in Ontario, federal and provincial, is \$3.178 billion. That's not bad. How much of that came from the province? It's \$3.171 billion. That's right. Only \$7 million, a fifth of a percentage point, came from the federal Liberals and they take \$2 billion a year in gas taxes from Ontarians. So I thought maybe these guys would finally stick up for Ontario. No, they failed to do that again.

We look across the border at some of our American cousins. Ohio has a very similar population base to ours, 11.5 million. They have spent only \$900 million since 1995 on transit; \$205 million of that came from the state government and \$700 million from the federal government, or 77%. In New York state, their population is a lot higher than ours; it's 19 million. Since 1995 they've spent \$13.5 billion on transit. The federal contribution was \$4.7 billion; 35% came from the federal government. So of our American cousins around us, the federal government gets it; the federal government makes that contribution.

Here, we just can't get it. We can't get it in health; we can't get it in transit. The member for Kingston and the Islands will not ask his federal cousins to pony up. He says to them, "You keep taking money out of Ontario. You keep nailing us on gas taxes and then you refuse to give us any money for our roads or for our transit." He supports that.

I thought the resolution would say, "Let's get this House to say that the federal Liberals should put back some of that \$2 billion a year they take out of Ontario gas taxes." No, they didn't want to do it. They had an opportunity and they failed again. It's very disappointing. Not only, as I said at the outset, is it a very poorly drafted resolution, but the Liberals had an opportunity to stand up for Ontario and they refused to do it again.

Some people ask me, "Why don't they ever stand up to Chrétien? Why are they the only party in all of Canada that refuses to stand up?" I don't know. It could be that the only way they have successful fundraisers is by having a federal minister there, and if they start standing up to them, maybe they won't come any more. I don't know. That's something I've heard but I'm not going to say that's the case. I'll leave the members opposite to talk about that.

You really can't trust them across the aisle when they tell you something. An example of that came up the other day on the Agricultural Employees Protection Act. This was really interesting. I believe they abstained, as an entire caucus. That's right. Members are looking at me incredulously, but they absolutely abstained, as a caucus, on introducing the bill. Then I think they voted for it on second and third reading. Then, the other day, what comes out from Greg Sorbara, the president of the Liberal Party and one of the front bench members of the Liberals, is, "If the Liberals form the government, I think we'll have to repeal it and do something different down the road."

They abstain. They vote in favour. And I'll never forget second and third reading votes. I think it was the second reading vote we voted on. As soon as we said we

were going to vote on it, half a dozen of the Liberals left the room. Yes, they all scattered. It was actually closer to eight or nine. I remember jotting down all their names. Then three or four came back in. I saw some of them being escorted back in by Mr McGuinty's staff. It was very interesting; comical almost, if not so sad. But they ended up voting for the bill. Then the president of the Liberal Party, Mr Sorbara, says, "If the Liberals form the government, I think we'll have to repeal it." That's right, they will repeal the Agricultural Employees Protection Act. So they vote for it, and then they tell you they're going to repeal it. You can't figure it out. You just can't trust what they tell you.

One of the things they've been telling Ontarians now for several months is that they're going to fund all kinds of promises. They are going to change the Family Responsibility Office and add staff. They're going to add money to colleges and universities. They're going to add money to roads. Oh, one person says he's not going to add money to roads. Mr Smitherman today said no, they're not going to build any more roads. So they've got a problem there. They said they are going to spend billions on education. They're going to spend more on long-term care. They're going to spend more on health care. They're going to spend money on the environment.

Where are they going to get the money? Well, the interesting thing is that they keep claiming they're going to spend \$2 billion from a corporate tax cut, and there isn't \$2 billion in a corporate tax cut, but that's what they keep saying.

They have now spent that money, by our count, nine times. They've spent the money nine different times. And so, people around the province of Ontario, just be forewarned. You know what? I think the people of Ontario are already on to them. They know. They know when they hear a Liberal promise, when they go into a meeting with a Liberal, the Liberal will nod their head in agreement, "Yep, we're going to do it. We're going to fund it. Where are we going to get the money? Oh, we'll get the money from corporate tax." At the same time there are probably about 36 other Liberals having meetings with other people around the province of Ontario, nodding their heads, saying, "Yep, we'll do it. We'll do it. We'll do it. I know where we'll get the money. We're going to get the money from this corporate tax." They've spent it nine times.

I've got quotes from every one of them. We could give you quotes from Hansard like you wouldn't believe of all the different members opposite telling the public how they're going to spend this money on education, long-term care, family responsibility, colleges and universities. It's all the same money they keep spending over and over and over again. We're getting a little frustrated. The NDP's even getting a little frustrated, if you can believe that.

So I can't support this resolution. Not only was it poorly drafted by the 160 Liberal employees—they couldn't get it right—it has caused confusion in the House. I'll mention the member from Timmins is very confused about it. It appears they've got no way to

replace the revenue. They want to rip it out of the Ontario government treasury. They're going to spend \$300 million a year. Well, we've been spending about \$450 million a year. So we can't support their resolution.

I'm actually going to conclude my debate, because I know Minister Turnbull wants a few minutes. I'm going to leave him that opportunity.

**Hon Mr Turnbull:** I wasn't supposed to join this debate, but I just couldn't help putting on record a few of the facts which come to mind.

The provincial Liberals are proposing to add two cents to the gasoline tax, which would be dedicated revenue.

**Mr Bradley:** No, not add.

**Hon Mr Turnbull:** Oh, now they're saying it's going to come off the existing tax.

**Mr Bradley:** Exactly.

**Hon Mr Turnbull:** Well, this is very interesting, because all of their promises they've been making to date show that they are spending more money than the province brings in, several times over. We know the last time they were in government they raised taxes 39 times, and that was the thing that drove inflation in Canada more than any other factor in the whole of Canada.

It was very interesting. I was at the opening of the new Sheppard subway the other day. The cost of the new Sheppard subway was \$934 million, of which the Ontario government paid approximately 60%. The federal government's representative was Jim Peterson. You may recognize the name, Mr Speaker. That's the brother of the former Liberal Premier of this province, David Peterson. He got there and he proudly proclaimed that they put \$7 million into it. Out of the \$934 million it cost to build the subway, we put in approximately 60%, and he said they put in \$7 million.

**1740**

Let's just compare this with what happens in the US. The US federal government actually gives at least 83% of every federal gasoline tax raised in the US back to the state to spend on roads and transit. That isn't the only sum they give for roads and transit, but that is dedicated revenue.

Let's just look at this. Our federal government is raising in excess of \$2 billion a year in gasoline tax, but we're not getting anything back. We got \$7 million toward building the Sheppard subway, and they had the cheek to show up. I'm reminded of the fact that David Collenette, the federal transportation minister, has spouted so many times about how money should be spent on transit and building roads, but there's no money coming from them.

What happens? The provincial Liberals have never, ever spoken up about the fact that the federal government should be at the table. They vote against every effort we make to try and get the federal government back to the table. If you were to put in 83% of the over—

**Mr David Ramsay (Timiskaming-Cochrane):** The first thing I'd like to say to the member across the way is that the federal government should be back at the table



discussing this issue for sure, because public transportation is a big part of the—

**Hon Mr Turnbull:** Are you going to help us?

**Mr Ramsay:** Absolutely, we'll help you. The federal government should be here in dealing with urban transportation problems right across this country.

If we are as interested as Michael Colle, the member for Eglinton-Lawrence, is in solving two problems that are big problems here, gridlock and the environmental concerns in the Golden Horseshoe area, then all three levels of government have to be working in partnership on that. Yes, the federal government should be at the table, especially when they have the Kyoto accord. We should be doing that.

**Hon Mr Turnbull:** We put money in roads. You guys didn't spend any money in roads when you were the government.

**The Acting Speaker:** I'm going to warn the minister.

**Mr Ramsay:** Thank you, Mr Speaker, for protecting my right to speak in this House. I appreciate that.

I want to salute the member from Eglinton-Lawrence for bringing this motion forward. As the members know, this is a very simple, straightforward proposal that basically we would dedicate two cents of the existing tax against gasoline toward public transportation.

This government has underfunded urban transportation in all our towns and cities. That is a big mistake, because we need to make sure that not only is the population in our urban centres able in an affordable way to get around their municipalities; we also have to make sure that we develop integrated transportation systems that are seamless and low-cost to encourage people, to compel people to use a transportation system. You should be able to walk onto a GO train in Hamilton, maybe just put a toonie in the box and end up in North York. You should be able to do that in a seamless way so that it's fast and convenient and saves the environment. That's the type of system we need. The governments should be partners in that, both the provincial and the federal governments.

A week ago I was speaking to an elementary school up in Cochrane, Commando public school. When I talk to schoolchildren, as I know most of the members do from time to time when they get back to their ridings, what really beats in those children's hearts is a love for the environment. They look at a person like myself, an elected official, and wonder why we aren't doing more to save the environment. We need to be doing that. I thought that the people of my generation were going to be the ones to save the environment, and that really hasn't happened. We've still let it go and we've got to do much more to do that.

I would recommend to the members across the way the release the Ontario Liberal Party put out on Monday, Growing Strong Communities, because in that we have quite a comprehensive program to reduce pollution in Ontario and protect the environment. Jim Bradley, the member for St Catharines in our caucus here, an ex-Minister of the Environment—

**Mr Caplan:** The finest one we've ever had.

**Mr Ramsay:** —the finest Minister of the Environment in this province, is a very strong advocate and pushes all the members in this caucus to do more and more for the environment. We listen to him and we have a very good policy on the environment. I encourage people to go to the Ontario provincial party's Web site to look at that policy and to send in to us their e-mails and comments on that, because we want to start that dialogue now. Now is the time to do that, when we have some time before the election, so that people understand where we stand and where we want to go, and we're still willing to work with people and entertain new ideas on how we can improve the environment in this province. It's very important, and Mike Colle's resolution this afternoon I think is a very important first step to that, to dedicate two cents from the gasoline tax, the existing tax, toward public transportation for our municipalities.

*Interjection.*

**Mr Ramsay:** Yes, to the member across the way, we should make sure the federal government is a partner in that. I think the federal government needs to be a partner in the public transportation system and also a partner with the province in rebuilding our Trans-Canada Highway system. I think the feds should be a partner in all our transportation endeavours in this province. They have a national vision with that, and it's time, as they do with the Maritime provinces, for them to be a partner with us.

Again, I'd like to salute the member from Eglinton-Lawrence for the hard work he has done on the environment in presenting this motion. I certainly hope this resolution passes today. It deserves the support of all members of this House, and I ask members to support this resolution.

**The Acting Speaker:** That completes the time allocated for debate.

Mr Colle has moved opposition day number 4. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1746 to 1756.*

**The Acting Speaker:** All those in favour will please stand one at a time and be recognized by the Clerk.

#### Ayes

Agostino, Dominic	Conway, Sean G.	Levac, David
Bartolucci, Rick	Cordiano, Joseph	Martel, Shelley
Bisson, Gilles	Crozier, Bruce	McLeod, Lyn
Bountrogianni, Marie	Curling, Alvin	Patten, Richard
Boyer, Claudette	Di Cocco, Caroline	Peters, Steve
Bradley, James J.	Dombrowsky, Leona	Phillips, Gerry
Bryant, Michael	Duncan, Dwight	Pupatello, Sandra
Caplan, David	Gerretsen, John	Ramsay, David
Christopherson, David	Hoy, Pat	Ruprecht, Tony
Churley, Marilyn	Kennedy, Gerard	Smitherman, George
Cleary, John C.	Kwinter, Monte	Sorbara, Greg
Colle, Mike	Lalonde, Jean-Marc	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

# Nays

Amott, Ted	Hardeman, Ernie	Newman, Dan
Baird, John R.	Hastings, John	O'Toole, John
Barrett, Toby	Hodgson, Chris	Ouellette, Jerry J.
Beaubien, Marcel	Jackson, Cameron	Runciman, Robert W.
Chudleigh, Ted	Johns, Helen	Sampson, Rob
Clark, Brad	Johnson, Bert	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wettlaufer, Wayne
Eves, Ernie	Miller, Norm	Wilson, Jim
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Murdoch, Bill	Young, David
Gill, Raminder	Mushinski, Marilyn	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 35; the nays are 50.

**The Acting Speaker:** I declare the motion lost.

*Interjections.*

**The Acting Speaker:** Order.

## ADJOURNMENT DEBATE

**The Acting Speaker (Mr Michael A. Brown):** Pursuant to standing order 37, the question that this House do now adjourn is deemed to have been made. The member for Parkdale-High Park has given notice of his dissatisfaction with the answer given to his question by the Minister of Education.

## EDUCATION FUNDING

**Mr Gerard Kennedy (Parkdale-High Park):** It is a limited pleasure to rise tonight and to address the inadequacies of the Premier's response. In a sense, my question yesterday was directed to the minister, but also today I asked a similar question to the Premier. It was a simple question.

It was the Premier and the minister who said, "We will appoint someone to take over the Toronto school board and we will balance their budget." They said that a number of weeks ago. They said that about Ottawa and Hamilton as well. Then there were the events of the last number of weeks. They spent a lot of money. They hired new people. They hired public relations people.

When the day came to provide what they called a balanced budget, they put this out—this isn't available unless there's a big zoom for the cameras in the Legislature—a cut-and-paste number of columns. This is what they released to the public. On this release are net expenditures and gross expenditures mixed together. What this release did was permit the Premier of the province to say categorically last week that the classroom expenditures, the artificial category that even this government concedes are important expenditures to students, were being increased. The Premier said that; so did the minister. The minister said these cuts had not materialized to the classroom. The supervisor opened his presentation and said that. The government in fact

hitched its entire credibility to the fact that it had cut the budget and saved money for the classroom and protected children.

Instead, we learned that these figures do not tell the substantive story, the important story, of what was happening at the Toronto board, that in fact there's another \$110 million that was spent last year that was deliberately omitted from these figures—and I say that carefully. We have now had five days in this House where no one on the government side—Mr Amott is here on behalf of the government to remedy this, I hope—has produced an official set of figures to show the degree and the depth of the cuts to children in public schools in this city.

Should Mr Amott or anyone else in the government show up without that, then I'd say it besmirches this House, because to me it is fundamental that when we're talking about things like children's education, there are certain things on which we can rely. This government would be happy to have this debate dissolve into one about numbers, but it is instead about important areas.

For example, the government tried to say that there would be more money spent on textbooks. In fact, by the best figures we were able to obtain from the school board, there is less money being spent on textbooks. Further, teacher assistants, \$2.4 million; fewer teacher assistants, not a \$640,000 increase. Supply teachers, a \$2.8-million decline.

The government tried to say today and yesterday that somehow the figures we were using weren't fully accurate. What we found and confirmed with board officials is that the figures I was provided with by the school board, which were confirmed by them, are far closer to the reality of this government.

I say again to the public of Ontario and I say to the honourable members opposite, they need to release these figures to have any honour in this House. This House would deny them any reasonable credibility if they can't tell us what their handiwork has done. The only people in this province who are elected democratically who can respond to the needs of the children in Ontario, in Toronto, Ottawa and Hamilton, are in this House. Should this government show up tonight without a set of figures, with just more rhetoric, without being able to tell us exactly and precisely how much harm they're doing to education in Toronto, I say shame on them in a way I've never felt in this House before. Should that be their deliberate response, the one I asked for by being here tonight, then that is the government prepared to go, without reservation, to no shortage of space to deceive us. I put that forward not as something I'm implying, but I would say there's a set of conditions here under which the government needs to provide to the people the very rudiments of their ability to judge its performance.

I say on behalf of students in Toronto—and I understand in Ottawa we have learned now that they can't balance the budget, that that supervisor has been able to find less than half of the savings that this government promoted and promised would take place.



This government needs to come clean with the students of Ontario. It needs to provide to this House and these only elected officials the information and the assurances to reconcile statements made by the Premier of this province, the person who should be able to be depended on when he says children are not going to be harmed.

**Mr Ted Arnott (Waterloo-Wellington):** It's a pleasure to respond to the member for Parkdale-High Park. Let me start off by placing into historical perspective the issue of the appointment of school board supervisors, an issue which is paramount to this debate. We appointed a supervisor because, "The Education Act is very clear. No school board is allowed by law to plan for a deficit; that is simply not permitted."

Those words were spoken, I'm told, by an honourable member opposite, the member for Renfrew-Nipissing-Pembroke, who is here in the House tonight, when he made this statement in the House on June 14, 1990, when he served as Minister of Education in the Peterson government. The member was quite right when he said that.

Now that this is on the record, it's equally imperative that we clear up any distortion or mistaken information instigated by the member for Parkdale-High Park. As of late, the member opposite, through exaggerated conjecture and rhetoric, has tried to infer that the Toronto District School Board's balanced budget is somehow askew. Well, the member opposite is simply incorrect. This House is well aware of this member's tendency to embellish and his unwillingness to put information in its proper context or, in other words, his fearmongering—

**The Acting Speaker (Mr Michael A. Brown):** Stop the clock. A point of order?

**Mr Kennedy:** On a point of order, Mr Speaker: The member opposite is using the word "embellish." There are facts that I have put on the table here and—

**The Acting Speaker:** That's not a point of order, and I'm not permitted to allow points of order.

**Mr Arnott:** For the record, allow me to correct the member opposite with respect to his claims. You see, the member for Parkdale-High Park is on record trying to fearmonger by saying that the supervisor's budget would "cut all the pool programs, all the recreation programs, all the special-needs programs." This was Gerard Kennedy on CFRB radio, August 27, 2002.

As he so often does, the member for Parkdale-High Park, much like his leader, the leader of the Liberal opposition, claimed that the sky would fall. But the sky isn't falling; in fact, quite the opposite. The member said that the pools would close. I say to this member, his dire prediction was wrong. The pools will be open. The member for Parkdale-High Park said that recreation programs would be cut. Well, he was wrong again. In fact, the programs in place when the supervisor arrived

stayed in place. Not only was he wrong about the supervisor cutting programs, the supervisor announced new investments in key areas such as teachers, technology, textbooks and classroom supplies. The member said that special education in Toronto would also be cut, and he was wrong yet again. The supervisor protected special-education funding and ensured that the needs of the students would be met.

The supervisor recently passed a good-news budget for the students and people of Toronto, and it's utterly shameful that the member opposite would try to distort the reality of the situation at the TDSB. That budget showed that tough decisions could be made while still protecting key programs in the classroom.

I'm advised that the budget plan also included some of the following highlights: the budget increased spending for classroom teachers by \$5 million; increased spending on textbooks and classroom supplies by \$500,000; increased spending on classroom computers, while still achieving significant efficiencies, by \$2 million; and so on and so on.

The Liberal leader and his education critic continue to employ the Liberal version of accounting, which, as we all know, is somewhat lacking, to say the least. You see, their methodology is fundamentally flawed. The other day, the member for Parkdale-High Park tried to make comparisons on spending in the TDSB by comparing total expenditures in the fiscal year 2001-02 to net expenditures in 2002-03, which, as we know and as has been established in this House, is an apples-to-oranges comparison.

I'm told the member for Parkdale-High Park's expenditure comparison that he released regarding total expenditures against total expenditures in 2002-03 was a fair comparison, and it supports the supervisor's claim that funding under this budget is going up in four key areas.

At the end of the day, regardless of how you look at the numbers, the supervisor's budget has put the board back on the road to financial health. The supervisor has been successful in finding \$90 million in savings. The programs that were in place when the supervisor was appointed are still in place, such as swimming pools, heritage language, outdoor centres and parenting centres.

It's time that the member opposite stopped fearmongering and admitted that his doom-and-gloom predictions did not happen. With sound fiscal management—

**The Acting Speaker:** Thank you. The motion to adjourn is deemed to have been carried. The House stands adjourned until 6:45 of the clock.

*The House adjourned at 1811.*

*Evening meeting reported in volume B.*

**ERRATA**

<b>No.</b>	<b>Page</b>	<b>Column</b>	<b>Line(s)</b>	<b>Should read:</b>
51A	3191	1	26-27	Memorable learning experience. There are also volunteers there who wear light blue coats, as the member for





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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 26 November 2002

Mardi 26 novembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 26 November 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 26 novembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### ROYAL ASSENT

### SANCTION ROYALE

**The Acting Speaker (Mr Michael A. Brown):** I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Administrator has been pleased to assent to certain bills in her office.

**Deputy Clerk (Ms Deborah Deller):** In the name of Her Majesty the Queen, Her Honour the Administrator of the province assented to the following bills in the administrator's office:

Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / *Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale;*

Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / *Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi;*

Bill 181, An Act to amend the Legal Aid Services Act, 1998 / *Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique;*

Bill 211, An Act to resolve a labour dispute between the Ontario English Catholic Teachers' Association and the Simcoe Muskoka Catholic District School Board / *Projet de loi 211, Loi visant à régler le conflit de travail opposant l'Association des enseignantes et des enseignants catholiques anglo-ontariens et le conseil scolaire de district appelé Simcoe Muskoka Catholic District School Board.*

## FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

### LOI DE 2002 SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D'ENTERREMENT ET DE CRÉMATION

Resuming the debate adjourned on November 25, 2002, on the motion for second reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / *Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.*

**Hon Doug Galt (Minister without Portfolio):** I seek unanimous consent with respect to this evening's debate on Bill 209: that one hour be divided equally among the recognized parties for the purpose of tonight's debate. At the end of that time, the motion for adjournment of the House will be deemed to have been made and carried and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

**The Acting Speaker (Mr Michael A. Brown):** Mr Galt has asked for unanimous consent of the House. Agreed? Agreed.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm pleased to come before this assembly to speak to the proposed Funeral, Burial and Cremation Services Act, 2002. As honourable members know, the new legislation would, if passed, regulate both funerals and cemeteries, which were formerly regulated under two statutes: the Cemeteries Act and the Funeral Directors and Establishments Act.

In our efforts to find practical solutions that balance industry and consumer interests in this important sector of our economy, we listened to the stakeholders. They told us we needed legislation that recognizes emerging trends and new kinds of transactions emerging in the 21st century marketplace. They told us we needed to encourage the development of new ways of doing business, and they told us we needed legislation that would provide strengthened consumer protection provisions. Based on our extensive and ongoing consultative process, we are confident that stakeholders know they have been heard.



The well-thought-out recommendations from the Bereavement Sector Advisory Committee form the foundation of the proposed Funeral, Burial Services and Cremation Act, 2002.

Today, I would like to address the potential benefits the proposed legislation contains for service providers within the bereavement sector.

Ontario's bereavement sector is a significant industry for this province. It consists of more than 550 funeral homes, 5,000 cemeteries, approximately 60 monument retailers and several other organizations that provide services to consumers regarding responding to the death of a friend or family member. Diversity characterizes the participants in this sector. Funeral establishments tend to be private, for-profit businesses. However, on the cemetery side, profit businesses coexist with religious, not-for-profit and municipal cemeteries.

#### 1850

Purchases in this sector are also unique. About 80,000 Ontario families need bereavement services every year, and most of them will have no experience to guide them through the emotional decision-making process. Adding to the emotional nature of the decision is the financial commitment, a commitment that for the majority of today's consumers is a significant one, with funerals often the fifth-largest purchase most individuals will make.

Given the complexity and sensitivity of this sector, regulating it is no small feat. And let us not forget the implications of conducting business the 21st-century way. New business models and structures are developing at lightning speed in every industry, and the bereavement services sector is no exception.

It is no surprise, then, that businesses and consumers alike have asked for reforms to current bereavement legislation, reforms that would result in legislation that would be more responsive to market forces. Modernized bereavement legislation is called for, and our government has answered with the proposed Funeral, Burial and Cremation Services Act, 2002, before us today. We have drafted legislation that not only keeps step with today's marketplace and its ever-changing demands, but one that can also respond to future needs as the bereavement services sector itself evolves.

The proposed legislation would benefit businesses in the bereavement sector in three ways. First, the proposed legislation would establish clear rules under which combined cemetery and funeral home operations would be permitted. Second, it would foster a level playing field for all industry participants. Third, it would strengthen consumer protection provisions.

In a major reform of what is currently in place, the proposed Funeral, Burial and Cremation Services Act, 2002, would set out conditions under which combined cemeteries and funeral homes would be permitted. The two existing statutes, the Cemeteries Act and the Funeral Directors and Establishments Act, were created to regulate two traditionally separate segments of this sector. With time, the regulatory split has reinforced what many

see as an artificial separation. Ontario is one of only two jurisdictions—Prince Edward Island is the other—in Canada prohibiting joint ownership and co-location of cemeteries and funeral home establishments.

Consumer expectation for a wider range of services and a desire for one-stop shopping are among the reasons for the move toward combinations in many jurisdictions. In general, consumers are increasingly requesting options other than traditional funeral service and burial. The combination of cemeteries and funeral homes would result in the development of innovative business models. By allowing for these new business approaches, consumers would have greater choice.

Expansion of services is top of mind with many service providers as they try to accommodate recent trends in bereavement management. The increasing number of consumers choosing cremation as an option is just one example of a new trend that has had an impact on service providers across North America and Europe. With rising land costs and increasing cultural diversity, this increase has been quite dramatic. In 1989, cremation was the choice for just under 28% of funerals. By the year 2000, 40% of funerals involved cremation. Similarly, there has been an increase in the number of consumers looking for non-traditional services or no-frills interment.

Allowing for a greater variety of services to be made available from service providers would also help consumers who want to make all their arrangements through one location. For example, under the proposed legislation, a funeral home could offer interment services or a cemetery could provide consumers with funeral services.

Let us remember that the concept of one-stop shopping is not simply a trivial convenience for consumers. Simplifying the process is essential, given the emotional fragility of the person making the bereavement arrangements.

Some have asked, "What will the proposed legislation offer family-owned funeral homes in Ontario?" The legislation provides for important new opportunities that would allow family-owned funeral homes to better serve consumers; an ability to serve the growing cremation market directly; an opportunity to purchase and resell interment rights to consumers where the cemetery is agreeable; the chance to enter into partnerships with other service providers, which might include municipalities and other non-profit organizations to develop new business models.

The second major benefit for businesses that would result from the passage of the proposed Funeral, Burial and Cremation Services Act, 2002, is the fostering of a level playing field for industry participants. Operating a business in today's competitive environment is challenging enough without having a playing field slanted in the competition's favour. With the proposed legislation before the assembly today, our government is endeavouring to level that playing field.

First of all, the proposed Funeral, Burial and Cremation Services Act, 2002, would work toward greater consistency in the sector by expanding the scope of

licensing. Sector participants who were previously unregulated would be licensed according to the provisions in the proposed legislation. Throughout the Ontario government's long history of working with the bereavement sector, we have jointly sought to ensure professionals in the industry are properly qualified and licensed and that consumers are provided with appropriate protection.

The proposed legislation before the Assembly today would bring to fruition the work of these joint efforts. Specifically, regulation of the bereavement services sector would now include licensing of the following:

- (a) cemetery operators and their sales representatives;
- (b) crematorium operators and their sales representatives;
- (c) funeral establishment operators;
- (d) funeral directors;
- (e) transfer service operators and their sales representatives;
- (f) casket retail operators and their sales representatives; and finally
- (g) marker retail business operators and their sales representatives.

The legislation would result in the definition of more classes of licences to recognize no-frills players, creating a much-needed consistency throughout the industry.

By setting a standard level of professional requirements, the proposed legislation would help to ensure that consumers are protected. At the same time, by expanding the scope of who is licensed within that sector, the proposed legislation would also benefit businesses by allowing for flexible licensing regimes to recognize new trends. Again, this is part and parcel of ensuring that the proposed legislation is responsive to the demands of the marketplace, not only to the 2002 marketplace but to the shape and form of the marketplace to come.

We have discussed how this new approach would offer a simplified option for consumers and increase service offerings for providers. It would also benefit businesses by allowing for efficiencies that currently do not exist. We need to arm Ontario businesses with the means by which they can thrive and be competitive, especially during these times of global economic upheaval.

In allowing for services to be combined, the proposed legislation would provide the key to a new world of business strategies for the bereavement services sector. New ways of operating would allow for efficiencies that under the current legislation the bereavement services sector cannot leverage. Bereavement services providers who would take advantage of these efficiencies would be able to build stronger businesses. Stronger businesses mean a stronger industry, and that translates into an industry that can better meet the needs of Ontario consumers. A financially sound bereavement services industry would ensure that consumers' investments in their bereavement arrangements are being protected now and in the future.

Finally, the strengthened consumer provisions outlined in the proposed legislation would offer a protective

umbrella to shield consumers and businesses alike. Prohibiting unfair business practices, increasing disclosure requirements and providing that all licensees comply with a code of ethics are key consumer protection provisions that also have immense implications for protecting service providers within the industry.

Most members of the bereavement services sector deal with their customers and their competitors in an honourable way. Unfortunately, as with many business enterprises, there are those within the industry who not only take advantage of consumers but also engage in unfair practices that thwart fair competition. In legislating against such unfair practices, the proposed Funeral, Burial and Cremation Services Act, 2002, would ensure that all service providers work within the boundaries of fair practice. Under the new legislation, falsifying information, false advertising and the furnishing of false information would all be subject to stringent penalties. Not only would the proposed legislation give power to control current advertising, but regulations would also be put in place that require advertising be pre-approved before publication if an order in respect of false advertising has been made.

#### 1900

The proposed legislation would also promote a level playing field for service providers by broadening disclosure, including ownership disclosure. Easy-to-understand educational brochures and standardized price lists are also part of these new disclosure requirements. As part of the proposed regulations, licensed operators would be prohibited from selling at a price that is more than the price indicated on the price list. Again, this would ensure that any competitive advantages between service providers were not the result of unscrupulous activities.

Where currently only funeral directors are subject to a code of ethics, the proposed legislation would require that all licensees, including funeral directors, cemetery owners, transfer operators, marker and casket retailers, and all those who work in the bereavement services industry, comply with a code of ethics.

To monitor these licensees, the proposed legislation would provide for the establishment of a discipline committee and an appeals committee. Licensees who have been found to have breached the code of ethics by a discipline committee could be fined up to \$25,000. The proposed legislation would provide for an appeals process as well as an offence section that sets out the consequences of a conviction. Once again, such provisions would ensure that the reforms to our current bereavement legislation result in a more rigorous, protective framework for Ontario consumers, thereby creating a fair-play structure for businesses within that sector.

The powers outlined in the proposed legislation that would encourage compliance and enable enforcement serve consumers and service providers equally well. There is a fairness in this approach. Honourable members, it is critical to recognize that the needs of businesses and consumers are inextricably intertwined. By giving



consumers the mechanism by which they feel confident in the industry, we would be supporting growth in that industry.

Strong consumer confidence strengthens an industry. A strong industry means good businesses. Good business supports a thriving economy.

The reforms proposed today reflect stakeholder input and consensus on significant policy issues in the bereavement sector. The proposed Funeral, Burial and Cremation Services Act, 2002, would support the development of new and modern business models for service providers in this sector, promoting a level playing field while increasing protection for consumers.

This legislation, the proposed Funeral, Burial and Cremation Services, Act, 2002, has been brought forth after extensive consultation with stakeholders. It's trying to deal with practical solutions to the industry as it exists today. We are dealing with the bereavement industry in the 21st century. What we're trying to do is not only encourage new ways of doing business that make sense to the participants in this industry, we're trying to make sure it is also fair and affordable to consumers. When you're dealing with something as abstract as what we are dealing with here today in terms of trying to regulate an industry, you cannot lose sight of the people who get involved in it, the everyday person who has to make those emotional decisions with respect to dealing with their loved one who has died, passed away. It's very difficult for anyone who has gone through that to deal with the different businesses, if you want to put it that way, that are involved in this particular sector. Certainly when you are dealing with going to a funeral home to get that particular service today, you are not only not necessarily seeing church services, you are seeing funeral homes providing that church service, and also at the same time making a decision whether you are going to cremate that body or you are going to bury that body in a cemetery. Those are significant decisions that have to be made, but you are also dealing with significant participants in this industry.

What we are trying to do is license the total industry, all those licensees that form part of that particular industry. That industry in itself is changing. It's changing in a way that consumers need to be made aware of what their rights are. They need to have full disclosure of what their rights are and also what they can expect in terms of services that are being provided through the bereavement industry. It's a very complex, very sensitive area. We need reforms to deal with the way the combined cemetery and funeral home operations would be permitted. As I said before, the one jurisdiction that doesn't allow for this is Prince Edward Island. But what we're looking to do is trying to bring together an approach here that would allow for combined cemetery and funeral home operations.

We are also looking to strengthen consumer protection provisions. We are also looking to make sure that the playing field is level with respect to this particular industry. The fact of the matter is that what we're seeing

by the statistics I indicated earlier—in 1989 cremation was a choice for just under 28% of funerals and by the year 2000, 40% of the funerals involved cremation—is a significant change in terms of how people are dealing with their loved ones, and also what they should be made aware of in terms of what they have to face in a particularly difficult time.

I would urge the members to seriously consider what is being proposed here, to seriously consider what the protections of the consumers need to be here. This is an area that is long overdue for reform. There have been extensive consultations on this area. Certainly this is an area that I think the Legislature needs to address. I am confident that it will be addressed by this Legislature.

**The Acting Speaker:** Further debate?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I'm pleased to have an opportunity to participate in the debate on Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes. Given the substantive nature of the legislation that is now before the House—legislation relating to hydro, an omnibus bill that was just tabled today—you might question whether or not this is one of the most important items on the agenda of the current government. I would submit to you tonight, though, Mr Speaker—and I know you would be entirely sympathetic to this view—that an act respecting funerals, burials and cremations is very significant legislation indeed. You would know as well, Mr Speaker, that when people have to access the services of a funeral director they are doing so on typically very short notice. They are doing so with a need to make instant choices about very large, very expensive purchases that their family is about to incur and they are making these choices at a time when they are particularly emotionally vulnerable. So perhaps there are very few issues of consumer protection that are more crucial to the consumer than this particular bill is.

I would also suggest that not only is it important in terms of consumer protection, but it's also important economic legislation. There are some 500 funeral businesses in the province of Ontario, largely relatively small businesses, many of them family businesses. They are businesses which are potentially affected in very real ways by any legislative changes that are made in the acts and regulations that govern their operations.

#### 1910

The government is suggesting that the reason this bill is here is because it is really just a repealing of the two acts which do now govern both the operation of cemeteries and the rules and regulations that funeral directors and establishments operate under; that they're repealing the Cemeteries Act and the Funeral Directors and Establishments Act and they're replacing them with one statute. It's a simple process of consolidation. In fact, as you look at what is really quite a large bill, you realize that it does more than simply consolidate two existing acts. When it comes to consumer protection, it's probably fair to say that most of what's being offered in the name

of consumer protection is already in the existing acts and this merely consolidates them.

But there's a very significant addition, a very significant change, and that is the change which ends the separation of the work that is done by those who operate cemeteries and the work and services provided by those who are funeral directors. Under this legislation, for the first time, it's possible for cemeteries to build funeral homes on cemetery grounds. This has been defended by the government in the address that we just heard to the House as being a way of giving the consumer one-stop shopping options. That may be fair enough, that may be something the consumer sees as desirable. But I think there are some very real risks in this, in ending that separation which has been the history of the provision of funeral services in this province.

One of the real risks is that there is a danger of moving from those 500 relatively small businesses that operate in the province of Ontario to much larger, consolidated businesses that could become almost monopolistic. I think that's a serious concern. It would certainly affect consumer choice. It would certainly affect prices that people are having to pay. I think it's a serious enough concern—it goes well beyond simply consolidating two existing acts—that this bill deserves full public hearings.

The government will say, "Why would we need to have public hearings? We've just had extensive consultation." The member opposite in making his address this evening referenced the fact of consultations repeatedly in his remarks, to assure us that everybody who might be concerned and aware of the issues sufficiently to read this legislation has been involved in the consultation, has given their input and is happy with that.

We've had interesting experiences with the consultation process, perhaps from all governments, and particularly from this one. I remember one particular consultation, and you'll recognize it's an unrelated issue but I raise it because of the whole question of faith in consultation, because consultation has been offered repeatedly tonight as justification for not having to look more closely at this bill. There was a sudden announcement in my own particular riding about the name change for a provincial park. Not a big deal as provincial issues go perhaps, but it caught the community by surprise.

I called the Ministry of Natural Resources. I can't remember whether it was under this government or under the previous one. I wanted to find out where this name change had come from. They told me that there had been a consultation, a thorough consultation. As the sitting member, not having been aware of the consultation, I was curious to know about it. I asked, "Could I see the consultation documents, please?" They produced them for me, as they were required to, and there was a lot of consultation. The fact that it was done very quietly is beside the point. There was a lot of consultation, pages and pages of input. People obviously cared about the change in the name of this park.

What surprised me was, as I read through each one of those consultation documents that individuals had taken

the time to send in to the Ministry of Natural Resources, all but one were opposed to the name change. So the government said, "We've consulted," and indeed they had, but what they did was the exact opposite of what the consultation would have suggested they do.

Today in the House I raised another issue around consultation. As you know, this government doesn't particularly like to consult. They have to be pushed into it most times. And when they do consult, they often do it privately, which was the case with the consultation on changes to Cancer Care Ontario which was the issue I raised in the House this afternoon. We find in that case that the government consulted in private, got very negative responses and decided to go ahead anyway. So when I hear the government defend a bill purely on the basis that they've consulted—"We don't need to talk about it any longer; it's fine"—I get very nervous. So I went to what we had heard from the people who were directly involved in the consultation process; for example, the Ontario Funeral Service Association, obviously a group that's going to be involved in a consultation on significant changes to the provision of funeral services. They did in fact have extensive involvement in the committee that the members opposite have referred to. They express in this press release related to the bill, when they first saw the bill tabled, "We are hopeful that this legislation will bring all service providers up to the same high standards of professionalism and accountability that currently exist for funeral homes."

Obviously they're not concerned that there's a lack of regulation or consumer protection currently, but they want to make sure that there's going to be a level playing field for everybody as these significant changes are brought forward.

And what does this association, probably the single most involved stakeholder group, say about the legislation itself after all this consultation? They say, "Although the basis of the legislation is in place, there are some issues that remain a concern." They add that they "have every intention of playing an active role in drafting regulations that address them."

Well, if this group is to be involved in regulatory changes, they've got their work cut out for them. I looked at this quite large bill and discovered that there are no less than nine and a half legislative pages that are used to set out the regulatory powers to be held by the minister and the government. How can we even talk about what this bill does for consumer protection when nine and a half pages worth of regulations are going to be determined not in the full view of the Legislature, not with public debate, not necessarily with consultation at all, as much as the funeral service association is planning to have involvement in the development of regulations, but it's to be done by the minister and the government behind closed doors, as all regulations are developed?

I think we have reasons to be concerned when the main stakeholder group, the group most involved in the consultation process, feels that they have to make this bill work through a process of affecting regulations which we



know is not going to be done in public. Not only that, but when the funeral associations are making these comments, expressing these concerns, they say "without having reviewed the bill in its entirety." We can only imagine how those concerns would be magnified if they'd had a chance to actually look at the details in the bill.

I think it's probably true that the other very involved stakeholder group, the Canadian Federation of Independent Business, has had some opportunity to really look at the bill and to express its concern. Obviously, as I mentioned, there are 500 small businesses involved. These are the people who are represented by the Canadian Federation of Independent Business. So the Canadian Federation of Independent Business was also involved as a stakeholder in the Bereavement Sector Advisory Committee. They wrote to the minister in May and talked about the fact that negotiating a consensus within the stakeholder group proved far more difficult than was imagined.

But much of what was agreed upon by the committee was based on the following principles: that there be a single regulatory regime—now, with nine and a half pages of regulations, how do we know there's going to be a single regulatory regime to ever emerge out of this? Nine and a half pages of regulatory powers, not regulations that we're looking at; powers to create regulations. You don't give away that much regulatory-making power and expect that you're going to have a single regulatory regime.

The other principle, an important principle, was a level playing field for industry participants; a third principle was that there be strengthened consumer protection, that there be clear rules for allowing combinations to include "strengthened viability of separated operations." It sounds to me like the directly opposite way from which this government has chosen to go with this bill.

They go on to say, "The 'level playing field' imperative resulted in a proposal that would have municipally owned and non-profit businesses in this sector make payments in lieu of taxes."

It's the whole issue of a level playing field: who has an advantage, the kind of advantage that might put other businesses out of business because they're at a competitive disadvantage?

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What does the Canadian Federation of Independent Business say about the bill itself? Well, they say, first of all, on the issue of the lack of a level playing field—I should preface it by saying that before they get into the details, they simply say, "We have reviewed the draft legislation ... there are areas where it does not respect the agreement of principles put forward by that committee, the very committee that the government keeps holding up as the model of consultation. The CFIB says, "Our reading of the legislation is that there are areas where it does not respect the agreement of principles put forth by the BSAC to your predecessor.... As a consequence, we worry that the future viability of independent operations

in the bereavement sector will be threatened, ultimately putting consumers at risk."

So what are their specific concerns? First of all, on the issue of a lack of a level playing field on taxes: that whole question of whether or not those who are not now paying taxes, those who own cemetery properties should be paying a grant, a payment in lieu of taxes, has been rejected, that the proposed payment in lieu of property taxes, which may appear, is to be returned, dollar for dollar, to the municipal cemeteries, ostensibly for care and maintenance, and this without any accounting for the disposition of the money, clearly giving the advantage to the cemetery, to the great competitive disadvantages of those 500 businesses, funeral homes, that are currently in operation.

The CFIB is concerned about restrictive practices. They're concerned about the "operators of 'existing visitation centres' on cemetery property, and existing crematoria ... being rewarded through a 'grandfathering' clause, that they're going to be grandfathered. The reason CFIB points out this concern is that these are the operations that have essentially been illegal. These are the sorts of phony funeral homes, not called funeral homes, visitation centres on the cemetery, with something off-site owned by the cemetery operation to do what is not technically allowed to be done on cemetery property. They're essentially unregulated funeral sites breaking a rule, and this government has decided to reward them for that by grandfathering them even as they bring in new legislation.

There you have the results of the consultation: two of the key stakeholder groups, both very involved in the consultation, both expressing serious reservations, serious concerns about the legislation which has actually resulted from that consultation process, and saying they don't believe that this legislation is true to that consultation at all. So, again, this needs to go out for public hearings, because it is significant enough to warrant that kind of hearing.

There's a question of who is concerned about this, who should be concerned. Clearly, small funeral homes—we've talked about that; the not-for-profit operations, the Memorial Society of Thunder Bay, for example—that offer a low-cost alternative to individuals who choose that route. What new rules are they going to play under? What kinds of new costs are they going to face and what costs will have to be passed on to the people they're offering services to, offering services in the name of a low-cost alternative? Those are all unknown.

I honestly don't know exactly where the municipalities stand on this; I'll confess that to you. I've heard that there are some real advantages for municipalities. The Canadian Federation of Independent Business thinks that municipalities may use their local government powers to serve their own commercial interests, that they can take advantage of this bill, particularly since they are not going to be expected to make the payments in lieu of taxes or, if they're expected to make those, that they're

going to get compensation in full from the government for that. The CFIB clearly feels that municipalities could be a beneficiary of this legislation.

On the other hand, I understand that many of the municipalities are extremely concerned, as cemetery owners, that they may be liable, if the operator of the cemetery goes out of business, to take over the operation. So I think, again, we need to find out whether this is something municipalities agree with or don't agree with once the municipalities have had a chance to find out, not what was being recommended through a consultation process, but what actually appears in the bill.

I'm actually running out of time, because there is a lot to talk about with this bill. I wanted to come back to what the minister has offered as his reasons, his defence of the bill, why he thinks this is a good bill. He talks about the fact that we are a very diverse community and that we need in this kind of legislation to be able to reflect the diversity of religious and faith beliefs that exist in our community. I couldn't agree more with that sentiment. I just don't understand how setting in place legislation which potentially creates a greater monopoly of the provision of services responds to the diversity of the Ontario culture.

The minister has talked in his opening comments on the bill about providing greater choice for consumers who want to make all the arrangements in one place. I understand the making of all the arrangements in one place. That's clear: one-stop shopping. The members have made it obvious that that is the main reason they're bringing this forward. It's what they say is the main reason for bringing this forward. But I have to argue with whether or not that provides greater choice. Because if we should lose the existing funeral homes, if we jeopardize and lose some of the small not-for-profit operations, the operations like the Memorial Society of Thunder Bay, if we make it virtually impossible for them to continue to do business in this climate, then we haven't created greater choice for consumers; we've restricted choice for consumers.

The minister also said that this permits new business models and, by permitting new business models, it will allow businesses to grow and create jobs. Well, again you have to question whether or not that's what the legislation actually achieves. Sounds good. Think it's a good idea. But suppose those 500 businesses are negatively affected. Suppose some of those 500 businesses are shut down. In what way have we actually created jobs? Does creating bigger and bigger establishments offering one-stop shopping to consumers create jobs or does it in fact reduce jobs?

Obviously, the main purpose of this legislation is to offer consumer protection. I guess as I look through this bill, this very extensive bill, 85 pages, if I have any sense at all—and I won't claim expertise—of what was in the two acts that this replaces, I would think that most of the legislation that provides consumer protection is already in the other acts. In fact I think there's been general agreement that legislation in Ontario regarding both

cemetery operation and the operation of funeral homes has been quite stringent. The regulations around the requirements of the people operating those homes are also very stringent. So I'm not sure we've added much consumer protection through this; in fact, it's at least possible that we've opened up a new area of challenge for consumers, because it's not clear that this bill prohibits retailers from coming knocking on the doors, selling funeral services and doing so on commission, a totally different situation from the way in which pre-sold funerals can be done now.

Again I tell you, we've had very recent experience in the province with a retail opportunity newly opened up by the government of Ontario: people knocking on our doors to sell us electricity. We've seen how vulnerable the consumers are to that kind of operation and to sham presentations and misrepresentations that get presented to them at their doors. So there may be less protection here than there was under the previous acts.

I do believe that there are enough concerns around this bill and that this act affects people in a way which is profoundly important to them at time of need, that it affects the operation of small businesses in virtually every community across this province, sufficiently important that we do need to call for public hearings. I am not optimistic. We have seen what's happening in the legislative agenda of this government. We've seen that what they want to do is ram through legislation in the next—what do we have?—two and a half weeks left before the government wants to adjourn the House for the Christmas season, and it appears they want a clear docket. We should still push for public hearings.

**Mr David Christopherson (Hamilton West):** I want to begin my remarks where my colleague from Thunder Bay left off, and that is the call for public hearings. Some might say that happens on virtually every bill. Well, surprise, surprise. When you pass laws, there's this argument out there in the public—I know it's kind of a silly notion they have—but they kind of like to be a part of the process of the laws that are going to affect them. So we'll begin and end with that request. It's probably the most substantive part of what I'll say this evening, that there needs to be hearings on this.

I just want to briefly in the time that I have go through a bit of a chronology. The first time this issue came on to my political radar screen was a phone call from the faith groups, who asked for an opportunity to meet with me to talk about this pending legislation. I couldn't make it at the times that were available. My good friend and colleague Tony Martin from Sault Ste Marie took that briefing and advised me of the concerns they had. A little time goes by, and the next thing I hear, I get a phone call from one of the councillors who just happens to be in one of the areas of my riding, Councillor Marvin Caplan, who called me and said that he had it from reliable sources that within a day or two indeed this bill would be tabled. He wanted to express concerns that he had, both on behalf of our city, Hamilton, and AMO, the Association of Municipalities of Ontario, where he had played a part



in the role of looking at this bill to determine what the implications were for municipalities. So both locally for Hamilton and on the broader municipal scene, he had some concerns.

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As things turned out, last night I was in the Speaker's chair when we had the first round of debates on this and I heard the Minister of Consumer and Business Services, Mr Hudak, when he stood in his place and expressed an opinion that this need not be partisan. I have had no reason to date to do anything other than take Mr Hudak at his word on other matters and I believe he was sincere. If he's walking me down the garden path, then so be it. That's always possible, but that's not the way I took it.

Further to that, in fact, a little later in the evening the Honourable Norm Sterling, another individual known for his integrity, said this—this is just last night in the House: "Yes, I think we should have hearings on this if that's what you feel comfortable with," meaning the opposition members. "There's no fear on our part about the outcome because the outcome should be whatever the consumer and the industry want." From all of that, one would conclude that the government is serious.

I asked my caucus whip, Gilles Bisson, whether or not we'd had that kind of indication or commitment from the government and, to date, that hasn't happened, and to this moment my colleague is indicating to me we still haven't heard that there will be committee hearings. It would be very helpful, assuming we are to believe—and as I say, I choose to believe the word of two cabinet ministers, Mr Hudak and Mr Sterling—that the government is not seeking to impose any kind of ideological thinking on this, that they're not looking to score any political points, that what they really want to do is get a good bill.

OK, let's hear it. It would be really helpful if somebody—even one of the ministers who is here—would just nod to me now. We have the Deputy Premier in the Legislature right now. It would be helpful if she would indicate to us that, yes, there are going to be public hearings. Then we could really stand down a lot of our concerns here and put those over to the committee hearings where we can have experts come in.

In talking to a former minister of this ministry, Marilyn Churley, no one is questioning the complexity of this. From last night's remarks, I'm led to believe it's been like 100 years since some of this legislation has been looked at, and for decades various governments have said, "You know, we really ought to do something about this legislation. We ought to get it modernized. There are things we need to do in the industry to bring some better harmony and consumer protection," etc.

Fair enough. Let's accept that it's complex. Let's also accept that it's not an easy thing to debate. I've watched members both from this vantage point and where you are, Speaker, and there's nobody here who is truly 100% comfortable with this. Maybe the Speaker, because it's his profession, but for most of us it's not something we're particularly comfortable talking about. Usually we don't know an awful lot about it, because whenever we

are dealing with the details, it's at a time of great emotional distress: life is in chaos, you've lost someone who means a great deal to you and you're hurting. It's more a matter of, "Let's get the mechanics of this over with, because I've got to deal with what I've lost and somehow put my life back together and keep going." I think that's perhaps the story for a lot of us here and, I would suspect, a lot of the people who may be watching and listening to the debate around this.

Is it just us? Is it because we aren't prepared to tackle the hard political choices that are to be made? Some are suggesting that is the case with the government, notwithstanding the excellent work of Justice Adams. I understand he's played a crucial role in trying to bring the various parties together in an attempt to, if not mediate, certainly, through discussion, come to a consensus within the industry and those people who are involved. Let's not be shy about calling it an industry. There are businesses, there are a thousands of people in this province who earn their living in this area of society and of life, and the other part. Knowing there has been that attempt again gave me reason to believe that the minister is not trying to spin anything, that he really wants to do something about this.

But I want to underscore comments made by previous speakers, both this evening and last night, about the number of groups involved. I did hear a couple of government members suggest that everything is all hunky-dory now that Justice Adams was able to work everything out. Well, apparently not, because a lot of the detail, once again, is going to come out in the regulations. We don't know what the regulations are. It's one thing when a bill is being driven by the politics of the government and damn the torpedoes—they'll bring out the regulations when they darn well choose and not a moment sooner—versus a bill where the lead minister is telling us, "We don't want this to be partisan. There's a lot of work that needs to be done and, as lawmakers," as opposed to being labelled by our parties, "we should be attempting to do something about this." It would be very helpful if the government would indicate, in addition to public hearings, that we get some sense of what the regulations are going to look like. If that's indeed where the bulk of the law is, notwithstanding 86 pages of Bill 209, the regs are crucial.

There are a lot of different players involved in all of this, all legitimate players who have a right to have their voices heard. I've mentioned the faith groups. There are the independent funeral establishments. I've got notes that indicate that the urban perspective is different than it would be for the rural or the medium-sized, and then there are general applications for all funeral establishments. That's just within that one part of the overall sector.

Cemeteries: there are a lot of different entities that own and operate the cemeteries. So now we're getting into sub-subgroups that have a valid concern, a valid voice, and deserve to be heard, if you're being forthright about this not being a partisan bill.

Consumers: obviously, and there are people who have had some very bad experiences. There are consumer groups who represent those consumers who know these issues from that consumer perspective. That's not going to be heard through this debate.

Casket and marker retailers: there's another whole world. Municipalities have serious concerns. As I heard from my friend Councillor Caplan, municipalities have some real issues. AMO, the Association of Municipalities of Ontario, sent in a letter advising that they have concerns and outlining what they are. What do they want? Public hearings. They just want an opportunity to be heard.

In fact, AMO said, "The report"—meaning the initial government report—"offered a number of recommendations aimed at meeting the minister's objectives, claiming it had broad consensus from committee members. However, municipal representatives on the committee have indicated that a broad consensus does not exist and a number of recommendations have the potential to negatively impact municipalities"—exactly what Councillor Caplan was outlining to me in his phone call about the concerns they had. What he didn't want to find out was that this would be one of those rare occasions when, given the fact the government says this isn't partisan, it gets all-party support and hustles through here. So his point in calling me as his MPP was to make sure that didn't happen. Of course now, as I get more into this issue and as all of us here get more into this, we're finding out that municipalities aren't the only significant players that have concerns. So I say to the minister, we're not there yet; notwithstanding what some members of your government may say, we aren't.

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The Anglican Church of Canada says in part in their correspondence, "We told the minister that we supported the intention in the bill of furthering consumer protection, but have concerns about the board of a new authority making decisions that would have inadvertent consequences for religious communities," and then they proceed in their correspondence to outline what those concerns are. I can't believe for a second that you're going to just turn your back on the churches, on the faith groups.

But I'm still not getting an indication from the Deputy Premier that there are going to be public hearings. That's all we're really asking at this stage, and it's not that much to ask. Nothing.

Some of the concerns of the Canadian Federation of Independent Business have been raised, but I'll put one more sentence in their correspondence on the record: "As a consequence, we worry that the further viability of independent operations in the bereavement sector will be threatened, ultimately putting consumers at risk."

The Ontario Monument Builders Association says in part, "OMBA is deeply concerned that the proposed act will severely disadvantage consumers and further create an uneven playing field between competitors in the bereavement services industry."

So not only are there concerns in each of the various components that make up this sector and their relationship to the law and concerns about the consumer, as I would hope, being the ultimate interested party in this matter, there are also concerns raised that if this isn't done properly—my words—and thoroughly and with broad enough consultation, it's going to create problems between businesses within the industry, within the sector.

If this is all starting to sound pretty complicated, it's because it is. Again, all we're asking at this point—I can tell you, I can't imagine anybody building an election plank out of this matter. It's just not going to happen. Given the reputation of the two ministers I've mentioned, Ministers Hudak and Sterling, I would say the government's integrity is on the line here. For what it's worth, your word is on the line. All we're asking for at this stage is to let us have some public hearings. I know that's a huge thing to ask of this government; it shouldn't be, given all the times that bills should have gotten some attention, but you're the one that led this debate by saying, "This isn't partisan." I heard the minister last night. He was almost baiting opposition members to prove him wrong, that given the nature of what we're talking about, surely opposition members wouldn't make political hay out of this. Fair enough. Some of us enjoy nothing more than the opportunity to actually have some input and affect the outcome of legislation. It's sort of a rare treat when you're on this side of the House. I can assure you there are a lot of us who would be quite—what are you doing? Is it going to fire something at me? For those who can't see, one of the ministers was putting something rather interesting on his desk.

Anyway, I don't want to treat the matter too lightly. I just want to point out that you'll notice that even my volume is down this evening because I'm not angry about anything; I am concerned—

*Interjection.*

**Mr Christopherson:** I know. See? It can happen.

**Hon Helen Johns (Minister of Agriculture and Food):** It's a shock.

**Mr Christopherson:** Well, there you go. Now shock me by asking your Deputy Premier to indicate that there will be some public hearings, and we can all walk away happy and shocked rather than angry and shocked, which is usually the way I find myself leaving this chamber.

But I don't want to be too trite about it. It's obviously an important matter. It affects virtually every one of us—literally, I guess, every one of us—at some point.

**Hon Mrs Johns:** You don't care when it happens to you.

**Mr Christopherson:** Well, I like to think somebody will. But even if it's not for ourselves, we do have loved ones. We all go through these very difficult times in our lives. The business of burying our own shouldn't be a further burden. We've now got an opportunity. The bill is in the House. We're halfway through the debate, or maybe close to the end of the debate, on second reading. The ministers, on behalf of the government, have indicated that they really want to have a non-partisan bill.



Both opposition parties have pointed out that there are very serious, legitimate concerns, that there are people who have expertise and who are prepared to come to committee hearings to assist us in making whatever changes are necessary. And maybe there are no changes necessary. That could be. But we really won't know until we give these individuals and these organizations an opportunity to come in and have their say.

So I put it back to the government: if you're legitimate and you're sincere about what you said and you're going to stand behind your word, then indicate to us that we'll get at least a few days of public hearings. Then perhaps we can have one of those rare times when we all walk out of here feeling good about a law that has been enacted rather than the usual winners and losers. On this issue, there is really no room for losers, because it affects all of us.

Again, on behalf of all those involved in this as a business and as a profession or as an investment or as part of their religious practice, give Ontarians a chance to have a say. Let's make it one of those bills that's non-partisan. Let's work together. I'm prepared to take up the government on their offer to see what we can do to come up with a bill that meets everyone's needs. We can all take credit for that, as if that was the most important thing, but more importantly, we'll get a law that reflects the needs of the people of Ontario. At the end of the day, isn't that supposedly why we're all here in the first place?

**The Acting Speaker:** With reference to the unanimous consent, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1948.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
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Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
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Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		



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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
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		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Steve Gilchrist, Raminder Gill,  
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Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
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Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 27 November 2002

Mercredi 27 novembre 2002

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 27 November 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 27 novembre 2002

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### SAVE THE MASKINONGE

**Mr James J. Bradley (St Catharines):** In the summer of this year, I met with representatives of the Save the Maskinonge committee, along with York North Liberal candidate John Taylor, to discuss contamination of the abandoned Thane Aluminum Smelter site on Warden Avenue in Georgina Township.

On Monday of this week, I visited the site and again, along with the Save the Maskinonge committee and Mr Taylor, toured the property and observed personally the visual mess and evidence of contamination on the smelter site and on wetlands adjacent to the smelter property. It is unacceptable that after ministry studies concluded that toxic materials at the site should be removed and that contamination of adjacent wetlands should be mitigated, the Minister of the Environment informed me in a letter dated September 6, 2002, in reply to my letter to him concerning this subject, that "there is not sufficient evidence of off-site adverse effects that would justify the expenditure of provincial funds to clean up this site."

Once again, I call upon the Minister of the Environment to comply with the request of the Save the Maskinonge committee, and the request which is contained in their petitions, read by me in this House, to conduct a thorough environmental assessment of the Thane property and adjacent lands and to ensure that a complete cleanup of the contaminated lands takes place at the very earliest opportunity. The adjacent wetlands, the Maskinonge River and Lake Simcoe are all in danger of contamination if this government fails to take timely and complete action.

#### ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

**Mr Garfield Dunlop (Simcoe North):** Today I'd like to take this opportunity to welcome members of the Ontario Professional Fire Fighters Association to Queen's Park. They've been spending a lot of time with us here today, ensuring that their voices are heard on issues that are most important to them. I believe that the president of the association, Fred LeBlanc, and the first

vice-president, Ron Gorrie, are in the chamber with us right now, along with many of the other folks.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order.

**Mr Dunlop:** That's too bad, isn't it? Sad, isn't it?

The OPFFA represents about 8,500 professional firefighters through 74 local organizations. Our government recognizes, values and supports the work these individuals accomplish every day in the name of public safety.

Firefighters are first on the scene during emergencies, at times putting their own lives at risk to save the lives of others. They go quietly about their business, not looking to be recognized for heroic acts. Pictures of the September 11 tragedy that are forever etched in our memories include such acts by firefighters.

Following the events of September 11, the government launched a number of initiatives to support firefighters, including an investment of \$3 million to create a centre of excellence at the Ontario Fire College.

The centre will provide specialized training and educational resources for firefighters in responding to chemical, biological, nuclear and radiological emergencies. They will offer interagency training for fire, ambulance, police and other front-line personnel who must work together to provide a coordinated, effective response to disasters.

Again, I welcome the Ontario Professional Fire Fighters Association to the Legislature and hope their day is very productive.

#### TOM NOBLES

**Mr Ernie Parsons (Prince Edward-Hastings):** Our community lost a great person two weeks ago with the passing of Tom Nobles. Tom was an individual who loved everything he did. He loved his family with a passion that words can't describe. He loved his church. He loved being reeve of Sidney township. He brought an energy to it that was unmatched. He loved being a councillor in the city of Quinte West and he loved working for muscular dystrophy. Jerry Lewis may think they're his kids, but they're Tom's kids. Particularly, Tom loved being a professional firefighter.

Firefighters don't become heroes for what they do at the scene of a fire. Firefighters become heroes the day they join the fire department, for they know that every time they go to work, they may be asked and called upon to make a sacrifice.



Tom was off work for some years with an illness that could not be diagnosed. We now know what it is that killed Tom. Tom went into a fire some years ago in a chemical plant and breathed some chemicals that ultimately caused his death. Tom died in the line of duty just as much as if he had died at that fire. I don't believe it ever occurred to Tom to not go into the fire that day. He was prepared to make any sacrifice he had to make.

I would like to express our sincerest condolences to his wife Barbara and to his children. Tom made a very real and positive contribution to our community and we will miss him.

### VOLUNTEER FIREFIGHTERS LEGISLATION

**Mr Ted Arnott (Waterloo-Wellington):** As was pointed out, today Ontario Professional Fire Fighters Association representatives are at Queen's Park lobbying MPPs. While I respect all firefighters and appreciate their dedication and bravery, I continue to speak out in favour of my Bill 30.

Bill 30 is intended to stop tactics of harassment and intimidation used by firefighters' union leadership to threaten their members who also serve as volunteers in their home communities. The damage is done as these double-hatters succumb to the threats and quit their volunteer posts.

Tim Lee, who is here in the gallery today, a firefighter who works in Whitby and volunteers in Kawartha Lakes, was recently convicted by his union for the so-called offence of volunteering. Mr Lee's courage is also an inspiration. He isn't quitting, and every member of this House should agree that Tim Lee and hundreds of others like him should have the right to volunteer on their own free time. Bill 30 would preserve that right.

The fire marshal has stated that this type of legislation is needed to avoid putting public safety at risk. The Association of Municipalities supports swift passage of my bill and has said so repeatedly. The Ontario Association of Fire Chiefs last week called a general meeting to discuss Bill 30 and urged the government "to schedule third reading and passage of Bill 30, as amended, in as timely a fashion possible."

I have been encouraged by the Minister of Public Safety and Security and the Premier and the interest they have shown, but without action, public safety is left at risk. We can't turn a blind eye to this issue of public safety. That is why we need to call this bill for third reading and passage into law right now.

### OMERS PENSION FUND

**Mr Dwight Duncan (Windsor-St Clair):** I want to speak about an issue that's important to firefighters in this province. That's the issue of the autonomy of the OMERS pension.

Earlier this fall my leader, Dalton McGuinty, wrote a letter to the government, which was passed on to the government House leader, indicating our support for the autonomy of OMERS. What we said was this: we believe the legislation must provide for a dispute resolution mechanism similar to the teachers' plan, a single-base plan with additional supplemental plans for all members and employers, the exclusion of OMERS from the Municipal Act and the ability to override the Pension Benefits Act to allow monies to be taken from pension funds to pay for the start-up and ongoing costs during the transition period.

We believe this should be a stand-alone, clean bill to allow its speedy passage through the Legislature prior to adjourning for the winter, so that it can be dealt with presumably in advance of an election. It's our belief that allowing the autonomy for OMERS and the ability to operate within these guidelines will provide the compromise that is needed between all the groups involved. We on this side of the House believe in compromise. We're not wedded to just beating people up and harming them.

So if this government really cares about firefighters and it really wants to do the right thing, do what they've been telling each and every one of you to do: support the autonomy of OMERS. That's what you ought to be doing for our professional firefighters from across the province of Ontario.

1340

### VOLUNTEER FIREFIGHTERS LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** I too, on behalf of the New Democratic Party, want to thank the Ontario Professional Fire Fighters Association for being here today as part of their yearly lobby of all members of this Legislature.

I want to say to the member from Wellington, as he speaks about Bill 30 and the need to pass that bill, he knows full well that the association that is here today do not support passing that bill. To stand up in this House today when the firefighters are here, who have very serious concerns about that bill, and urge his government to pass it—I think it is just incredible that he would do that today.

I would also say to him that if the members of his government, including the Premier, are so confident about that bill, why don't they call it for third reading?—not that I'm recommending they do. But yesterday, when I asked the Premier about my adoption bill, the Premier, after he said my bill was non-partisan and a moral issue, linked it with your bill and said that we, as the House, should deal with all those bills at the same time. He knows full well how our party, the New Democratic Party in its entirety, feels about Bill 30. To stand and say that we should start negotiating such bills to get to Bill 77, which right now, by not being passed, is causing unnecessary deaths in this province, is a travesty.

## FOOD DRIVE

**Mr John O'Toole (Durham):** I'd also like to welcome the professional firefighters.

On behalf of the members on this side of the House, I'm pleased to announce that the province-wide door-to-door food drive was held this past Tuesday, November 26, and was a tremendous success. Rental property managers and owners joined forces with residents across Ontario to collect over 75,000 pounds of food. All food collected will remain in the respective communities.

The Fair Rental Policy Organization, the Greater Toronto Apartment Association, Bonnie Hoy and Associates, and residents across the province organized over 430 apartment buildings to make this holiday season a good one for all Ontarians. That's over 150,000 suites across Ontario. This event is no doubt the largest multi-unit food drive not only in Ontario but indeed across Canada.

I commend the associations and the residents of Ontario for the difference they have made in ordinary people's lives, especially at this time of year when generosity should greet everyone and everyone should be generous to those who are less fortunate.

ONTARIO PROFESSIONAL FIRE  
FIGHTERS ASSOCIATION

**Mr Dave Levac (Brant):** I rise in the House today to speak on behalf of Dalton McGuinty and the Ontario Liberals to recognize Ontario Professional Fire Fighters Association Day here at Queen's Park. We want to recognize the OPFFA and all its members for their dedication to fire services in Ontario. The OPFFA represents more than 10,000 full-time firefighters and provides expertise and support to professional firefighters so they can continue to keep our communities safe and secure. The Ontario Liberals value the contribution all firefighters make to keep Ontarians safe and secure in their communities—all firefighters.

Dalton McGuinty announced in our plan, Growing Strong Communities, that we will be providing a thermal imager to each fire service in Ontario and have pledged right-to-know legislation and OMERS autonomy and to discuss with municipalities further ways to support our fire services regarding staff and equipment.

I commend the OPFFA for continuing to come back to the table to discuss solutions and offer alternatives to the ill-advised Bill 30. They have shown their true dedication to fire services by doing so, and I thank them for doing that.

On November 28, 2001, I introduced private member's Bill 141, which would require that any reduction or reorganization of fire services be approved by the fire marshal's office and that the fire marshal report to the ministry to ensure that our communities are safe and secure.

We thank them for the work they do in this province. We want to thank you and your families for your dedication.

## LIBERAL COMMUNITY STRATEGY

**Ms Marilyn Mushinski (Scarborough Centre):** I rose the other day to speak of a poll that demonstrates that the people of Ontario simply don't trust Dalton McGuinty and the Liberal Party.

*Interjections.*

**The Speaker (Hon Gary Carr):** We'll give the member full time. Come to order, please. We'll give you your time to begin again.

**Ms Mushinski:** A good example of why this is the case is the so-called Liberal community strategy released by Dalton on Monday. Dalton says that he will protect victims' rights. Well, where has he been? How could he miss that this Legislature, during this session, has already passed Bill 60, the first bill to protect victims' rights? If he doesn't know this, how can he possibly ever expect people to trust him to be the Premier? Dalton also wants to hire 1,000 more police officers. Again, where was he when we put 1,000 new cops in place in 2000 and, more to the point, why did he vote against 1,000 new cops in 1998 and in the 2000 budget? More flip-flops.

In fact, a close look at the Liberal community strategy shows that the government has already taken action on most of the various elements. Safe drinking water? Well, we've already enacted the toughest drinking water standards anywhere. Nutrient management? The Legislature already passed Bill 81, and get this: Dalton voted against the bill. This Liberal plan has more flip-flops than a pancake breakfast. It represents one more example of why the people of this province simply don't trust Dalton and his Liberals.

## VISITOR

**Mr R. Gary Stewart (Peterborough):** On a point of order, Mr Speaker: I'd like to welcome Charlotte Van Leeuwen, who is in the members' gallery, the mother of Lauren, who is a page. I hope she won't be too disillusioned here today.

## REPORTS BY COMMITTEES

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that today the clerk received the 11th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.



## STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Garfield Dunlop (Simcoe North):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bills as amended:

Bill Pr9, An Act respecting The Elliott.

Bill Pr12, An Act respecting the Municipality of Chatham-Kent.

You committee begs to report the following bill without amendment:

Bill Pr11, An Act respecting the Town of Erin.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

**Mr Dave Levac (Brant):** On a point of order: I know that today is a special day, so I want to take a moment to introduce, in the west gallery, the president of the Brantford Firefighters' Association, Mr Ed Glover, and with him, Gene Nesiol, the secretary and recording secretary. I'd like to welcome them and thank them for being here.

**Mr George Smitherman (Toronto Centre-Rosedale):** I seek unanimous consent to put forward a motion that the House move to committee of the whole following question period in order to separate the offending sections of Bill 198 and that the official opposition will not put forward any amendments or seek debate.

**The Speaker:** Is there unanimous consent? I'm afraid I hear some noes.

## INTRODUCTION OF BILLS

### TORONTO ATMOSPHERIC FUND ACT, 2002

Mr Gilchrist moved first reading of the following bill:  
Bill Pr15, An Act respecting the Toronto Atmospheric Fund.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill is referred to the standing committee on regulations and private bills.

1350

### RENT FREEZE AND RENT CONTROL ACT, 2002 LOI DE 2002 SUR LE GEL ET LE CONTRÔLE DES LOYERS

Mr Prue moved first reading of the following bill:  
Bill 215, An Act to amend the Tenant Protection Act, 1997 / Projet de loi 215, Loi modifiant la Loi de 1997 sur la protection des locataires.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Michael Prue (Beaches-East York):** This bill is introduced because rents continue to rise all over Ontario. For example, in Toronto they have risen in the last few years by \$226 per month; in Ottawa by \$201; in Hamilton by \$129; in Oshawa by \$128; and in Kitchener by \$120. It is beyond the ability of many tenants to pay.

We have a choice here, and that choice is, do we allow people to make millions of dollars off this or do we ask the taxpayers to pay? We believe there is a need for a rent freeze until rent controls are restored.

**Mr Dwight Duncan (Windsor-St Clair):** Mr Speaker, on a point of order: We have questions today for a number of ministers who have not yet arrived, including the Minister of Finance and the Minister of Training, Colleges and Universities. We all know what time question period—

*Interjection.*

**Mr Duncan:** Yes.

**Mr John Gerretsen (Kingston and the Islands):** There are only six junior ministers there.

**Mr Duncan:** We're looking for ministers.

**The Speaker:** They are coming. The minister is now here.

## ORAL QUESTIONS

### PENSION PLANS

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Finance. I want to draw your attention to the people sitting up in the public gallery behind me. There are several people who have come here today. They are very concerned and angry about your proposed changes to Ontario pension laws.

Several of those here today are from Peterborough. They are former employees of Johnson & Johnson Medical Products. Some 200 of those employees were laid off in 1998 and they are still waiting for their fair share of the pension surplus. They were awaiting the Monsanto decision, which came down last Friday, as you know. That decision said that employees are entitled to share in their pension surplus. Their employer is fighting them, and in a letter to the employees earlier this year said that they will hold out until you pass your legislation, which obviously is going to give them a decidedly unfair advantage.

These people, Madam Minister, want to know whether or not you are going to do the right thing, stand up for fairness and ensure that you withdraw the pension portion of Bill 198.

**Hon Janet Ecker (Minister of Finance):** Equitable treatment between employers and employees, making sure that employees have the pension they are entitled to, is extremely important. That's why, as you heard in my commitment on Monday and the Premier's commitment on Tuesday, this is not being proclaimed until consultations have occurred. If things need to be fixed, they

will be fixed, because we need to ensure that pensioners understand and know that their pension rights are protected.

**Mr McGuinty:** Madam Minister, the people who are here today and the people whom you have angered around the province do not trust you.

*Interruption.*

**The Speaker (Hon Gary Carr):** Order. Stop the clock, please. I would ask all the members in the gallery kindly to respect our rules. The members of the gallery are not allowed to speak out. I know you've come a long way to watch the questions and answers. I would appreciate your co-operation so that we can run smoothly.

The leader of the official opposition.

**Mr McGuinty:** Madam Minister, here's a comment made by a member of your own caucus: "We made a mistake and let's admit it.... People think we're letting companies steal the surplus from their pensions and we can't ... explain convincingly that we're not."

That member is right, and you are wrong. These people sitting behind me are right, as are their counterparts throughout the province of Ontario. They don't trust you. They don't trust you to somehow take this over and under cover of darkness maybe do what you did when you gave that sweetheart deal to professional sports teams in the province of Ontario.

What we're asking you to do is the only honourable and fair thing: to withdraw the pension portion of your bill, set it aside and kill it.

**Hon Mrs Ecker:** The opposition has raised concerns that people felt that they weren't consulted and that a process and time were not taken. So the Premier's commitment is very clear: we need to do further consultation; we need to ensure that pensioners are satisfied that their rights are protected. If changes need to be made, those changes will be made.

**Mr McGuinty:** What are you talking about? First you pass the bill, and then you consult? Is that the new rule around the Ontario Legislature? We're supposed to do it the other way around.

You never properly consulted. You never listened to these people. Had you bothered to stop and listen, you would have received the kind of information, the kind of anger and upset that these people are obviously expressing, not only here today but right around the province.

The only acceptable thing to do in these circumstances, the right thing to do, the fair thing to do, is for you to stop standing up for employers and to start standing up for fairness and to reject this portion of the bill that you're trying to sneak through and somehow have us believe that we're going to trust you. Reject this portion.

**Hon Mrs Ecker:** I think it's important to stress for the pensioners here in the gallery and for those who may be listening that there is nothing—there is nothing—that is proposed or under consideration that affects the earned benefits of pension plan members or—

*Interjections.*

**The Speaker:** Come to order. If the member for Toronto Centre-Rosedale does that again, he's out. We're not going to put up with that.

Sorry, Minister of Finance.

**Hon Mrs Ecker:** I think it deserves repeating that there is nothing on the table that is affecting the earned benefits of pension plan members, of retirees, of employees at all. The Premier's commitment is very, very clear: there needs to be further consultation. We need to ensure that those rights are protected. If changes need to be made, they will be.

**The Speaker:** New question?

*Interjection.*

**The Speaker:** We'll stand the question down and go on to the next one. The member for Timmins-James Bay.

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Finance. Minister, the issue is very simple: people don't trust you. It comes down to simply that. They've looked at what you've done over the litany of seven years when it comes to attacking every worker across this province. Whether it's the Employment Standards Act, the Workers' Compensation Board or working over professional firefighters under Bill 30, everybody knows what side you're going to fall on. You're going to fall on the side of the employer. So I say to you very simply, are you going to do the right thing at least for once in the last seven years and withdraw this legislation once and for all so people know they're not going to get shystered when it comes to their pensions?

1400

**Hon Mrs Ecker:** First of all, there is already legislation on the books that very clearly protects the rights of pensioners in terms of their earned benefits, as it should. No one wishes to tamper with that. Pensioners depend very much on the pensions they've worked for throughout their lives, and we do not wish to tamper with that.

On the particular issue of employers versus employees on distribution of surpluses in certain circumstances, the Premier has been very clear: consultation needs to occur, and if changes need to be made, we will make those changes.

**Mr Bisson:** It's clear. There was a decision about a week ago on the Monsanto case that upheld what has been happening in this province since 1991; that is, employers don't have the unilateral right, on their own, to either take a pension holiday or take withdrawals from the pensions. What you're proposing to do is turn the clock back to the Conrad Black days, and that's not acceptable. Minister, people don't trust you. The question is really simple: will you do the right thing and withdraw this from the legislation?

**Hon Mrs Ecker:** I agree that employers do not have unilateral rights in these circumstances; they should not. The government would not wish to put anything in place that would do that. The Premier's commitment, as I've said, is very clear. He respects the rights of pensioners. He's been very clear that consultation will occur to



ensure that pensioners' rights are protected. And if changes need to be made, we are quite prepared to make those, as we should. We think it's the responsible thing to do, and we have the Premier's commitment that that indeed will be the case.

**Mr Bisson:** That doesn't cut it. We don't have a problem now. That's the part you don't understand. The rules that have existed since 1991 have expressly forbade employers from being able to unilaterally withdraw surpluses from pension funds. In addition to that, the Monsanto ruling is saying, in fact, that the 1991 and 1988 changes that were made do exactly that. If there isn't a problem now, and you don't have a situation where employers are raiding pension surpluses or taking pension contribution holidays unilaterally, why do you need to make these changes? It's a very simple question.

I come back to you again on the premise of the first question: if there isn't a problem now and pensions are solvent and not in danger of growing broke and we don't have a problem with employers taking out surpluses, then why are you bringing in these changes through this legislation? It could be just for one thing; that is, withdrawing pension surpluses. I ask you again, on behalf of the people in the gallery, on behalf of the people I've met in Chatham-Kent on Monday and on behalf of all pensioners and future pensioners, will you do the right thing and withdraw this legislation?

**Hon Mrs Ecker:** The honourable member says there are no problems now. Well, there are some significant issues that need to be dealt with.

**Mr David Christopherson (Hamilton West):** The courts did that.

**Hon Mrs Ecker:** No, the courts did not deal with some of those issues. For example, they did not deal—  
*Interjection.*

**Hon Mrs Ecker:** Are you interested in hearing the answer or not? They did not deal with cases where pension plans may not be in surplus situations today. They did not deal with cases where an employer is not providing the surplus they should be putting out for employees in a timely fashion. That has been something pensioners have complained about to us.

There are a number of issues. We have pension plans in this province where the employer and the employees have come to agreements about surplus sharing, and because of court rulings they're not allowed to put that forward. So there are some significant issues that need to be dealt with. Consultation will ensure it is done correctly. If changes need to be made, we're prepared to make them.

**The Speaker:** We will now go back to the stand-down question, if the minister is here.

#### ONTARIO STUDENT ASSISTANCE PROGRAM

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Training, Colleges and Universities. While your government has been busy

enabling tuition fees in Ontario to skyrocket, we learned this morning that you were actually spending less on student assistance today than you did in 1997. In fact, every single year for the past five years you have spent less and less on those students who cannot, by virtue of their financial circumstances, get into Ontario colleges and universities. Can you explain to parents and students who need financial assistance why you have abandoned them?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I'm very happy to answer the first question I've had in this whole sitting from the leader and from, of course, my colleague—I think she's asked me one—probably because of the answer I'm going to give, quite frankly.

I think what I'd like to share with the leader of the official opposition is that there are a lot of reasons for this number to be lower, but the first one is that over the last five years many fewer students actually have applied for OSAP. The reason they haven't is because there are so many more programs we offer to students. I will tell you that in 2001-02, 152,575 students in fact applied, and in 1997, 263,550 students applied. We have so many—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

**Mr McGuinty:** Madam Minister, I'm not sure how you can say that with a straight face. The reason there are fewer students in Ontario today applying for student assistance is because you changed the rules on them. You've narrowed the grounds for eligibility. We have the toughest eligibility rules in all of Canada because of changes that you brought in on your watch.

Listen to one of these: "... parental income is now taken into account ... for all single students who have been out of high school for five years, regardless of whether they are dependents" and living at home with their parents. That means if somebody left high school at 18, they've been out there working for five years, maybe they're 23—you're now telling them that as far as you're concerned, they're dependent upon their parents. I think that's unreasonable. That's the reason why you're having fewer people who are eligible even to apply in Ontario.

I ask you again: in a knowledge-based economy, how can you possibly justify giving out less student assistance?

**Hon Mrs Cunningham:** This opposition leader can quote the press. I'm going to quote the federal Millennium Scholarship Foundation. A study released on September 16, 2002, noted that over the past decade the government—

*Interjections.*

**Hon Mrs Cunningham:** You know, Mr Speaker, I can't—I shouted last—

**The Speaker:** Member for Windsor-St Clair, come to order, please. This is his last warning as well.

*Interjection.*

**The Speaker:** This is your last warning. If you want to go out, we can do it right now. This is his last warning.

If I get up again for the member for Windsor-St Clair, he's out for the day. Minister, continue, please.

**Hon Mrs Cunningham:** A study released on September 16, 2002, by the federal Millennium Scholarship Foundation, with which we work closely, noted that over the past decade the government of Ontario has greatly increased annual expenditures on student financial assistance.

We have in fact introduced many other options for students. We have a set-aside at our universities. There's \$126 million every year for students who may in fact have approached OSAP and have OSAP or have not got OSAP; there is another alternative. The Aiming for the Top scholarships: \$26 million to students this year; it will grow to \$35 million. The Ontario student opportunity trust fund: \$600 million in endowments. The list goes on.

I will say right now—

**The Speaker:** The minister's time is up.

**Mr McGuinty:** Madam Minister, it doesn't matter how you slice it or dice it; the reason that Ontario students are not getting student assistance is because you've tightened up the eligibility criteria.

Here's something else you have done that exists nowhere else in Canada. A "family of four with a net income of \$40,000 is expected to contribute toward their child's post-secondary education." That would never have happened under the old rules: a family of four, \$40,000. Take into account rent or mortgage and car payments and groceries and taxes and the like and you're saying that in those circumstances those families are not entitled to any student assistance whatsoever.

You tell us now about your Ontario student opportunity trust fund, some special supplementary assistance you've created. In the last two years, you had \$120 million allocated for this fund, but you only spent \$46.5 million. That's less than 40% of the extra money you have apparently put in place to help students. Madam Minister, why not stand up and admit that the reason you're spending less money on student assistance in the province of Ontario is that you have deliberately narrowed the eligibility criteria?

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**Hon Mrs Cunningham:** With regard to OSAP, it's true that in Ontario less students are applying. It's also true that across the country for the Canada student loans, less students are applying. The reason less students are applying is that governments are working together across the country. The students have opportunities for OSAP; they have opportunities for the millennium fund. They therefore have opportunities for loan forgiveness. They have numbers of opportunities. But the key point is that less are applying because people have jobs. Parents are better off than ever before. They are borrowing less money and they are paying down their student loans.

Last year alone, \$1.1 billion in loan assistance was delivered to students through OSAP alone. I will say that we are working with the students—

**The Speaker:** I'm afraid the minister's time is up.

## TORONTO YOUTH ASSESSMENT CENTRE

**Mr Peter Kormos (Niagara Centre):** A question to the Minister of Public Safety: Minister, you've created a crisis in both our adult and youth correctional and detention facilities. Just last week, Judge Weagant imposed an absolute discharge on a 17-year-old young offender who pled guilty to multiple counts of theft and mischief because of the 10 hellish days—"hellish" is the language of the judge—that young person spent in your Toronto Youth Assessment Centre under conditions the judge described as "Dickensian," among other things. The judge talked about the youth sleeping on a mattress on the floor with no pillow in a range that was festering with vermin crawling across the floor and across those beds. The judge spoke of frequent beatings administered upon this youth and presumably upon others because of your overcrowding and because of your understaffing and underresourcing of the Toronto Youth Assessment Centre and other, similar provincial facilities.

What are you going to do about it, Minister?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I am unable to talk about the specific case, but I can tell you that the ministry has launched an investigation into the allegations. The child advocate, whose responsibility it is to ensure that treatment is appropriate within our institutions, was in the facility this month, and as far as I am aware as of today, she had no concerns with respect to the operations of the facility.

**Mr Kormos:** Minister, you'd better have some concerns, because the judges in this community and across this province sure as heck do, and they are releasing young offenders out on to the street as some modest restitution for the conditions in your facilities.

This isn't new to you. Back in October, reporter Victor Malarek wrote about the beatings that were being administered by gangs of young offenders in the back of police vans as young offenders were being transported from facilities like the Toronto Youth Assessment Centre to provincial courts. You appear to have done nothing about that either.

You were invited to go to Mimico. I was one of the people in this Legislature who, at the request of the staff there, asked you to go to that facility and examine it. You say the advocate took a look. Why haven't you taken a look? Is the judge wrong, or are you irresponsible?

**Hon Mr Runciman:** As is frequently the case, the member opposite is wrong. The Toronto Police provide court transportation for offenders. We've spoken with the police with respect to the problem in transportation and the violence that apparently has occurred within some of the vehicles transporting young offenders to the courts. They are in the process of putting video cameras into the back of these court vehicles.

I think all of us appreciate that many of the youth who show up at this centre have behaviour problems. They're



not happy to be there. They're often quite violent and that's why we have a staff psychiatrist on duty.

It's a busy remand centre. Our long-term plan is to close down this facility, to renovate Vanier Centre for Women to serve as a 300-bed youth jail for Toronto and the GTA. As indicated in my initial response with respect to this specific matter, the ministry has launched an investigation into the allegations.

### PENSION PLANS

**Mr George Smitherman (Toronto Centre-Rosedale):** My question is for the Minister of Finance. Madam Minister, for something like the tenth occasion in less than a week I'm asking you a question about a bill that you don't seem to understand. People from Stratford and Barrie and Peterborough and places all over southern Ontario have come here today to demand of you that you stop suggesting that this Legislature should pass a piece of legislation that is admittedly flawed. So I'd like you to stand, Madam Minister, and take your eyes up just to the front row of the galleries and talk to the people there and explain to them why it is that in this Legislature you should ask members of this place to pass a piece of legislation that you have come awfully close to admitting is deeply flawed.

**Hon Janet Ecker (Minister of Finance):** I don't think theatrics help this situation at all. I think it's important that pensioners understand, that they know their pensions are safe, that they know the viability of their pensions is going to be protected. The Premier has made a very clear commitment. We do wish to continue to consult on this. We do wish to ensure that the problems employee groups have told us about are fixed as well, because there are issues that they, in the consultations over the last year and a half, have raised. They had problems they wanted fixed as well.

So I think there are some legitimate issues. Obviously people have not been satisfied with either the information they have or the positions that have been taken, are not satisfied that their pensions are protected adequately. We will consult to find the right resolution for that, and if changes need to be made, we will make them.

**Mr Smitherman:** It's interesting that you'd characterize my passion as theatrics. The real theatrics we're seeing are from you because you're a bad actor. You're a bad actor trying to play a role as a senior minister who doesn't even understand the implications of her own legislation.

So don't tell me one more time when I put the facts before you, when I have clearly demonstrated the points in the bill that will strip the rights of these employees to gain access to the surpluses in their pension funds—don't talk to me about theatrics, Madam Minister. Stand in your place this one time and tell me why it's appropriate to ask this Legislature to pass a piece of badly flawed legislation. Stand in your place.

**Hon Mrs Ecker:** The honourable member likes to say that he understands the legislation. If he does, then why

is it that he objects to something that talks about respecting surplus sharing agreements between employers and employees? I'm sure that he would agree that the chosen way to deal with questions around surplus sharing is with an agreement between the employer and the employees. That is the preferred option. That is what we think should be part of what happens in all circumstances.

Again, we recognize that pensioners are concerned. We recognize there are issues that need to be dealt with, and we are taking steps to do that.

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Speaker: I'm seeking unanimous consent to ask the seniors in this gallery if they're feeling better after that answer.

**The Speaker (Hon Gary Carr):** We're not going to do unanimous consents with theatrics like that. If you wonder why we don't get down to your question, it's doing things like that that take the time away from question period. When you don't get down to your question, you'll know why.

### INNOVATION INITIATIVES

**Mr Ted Arnott (Waterloo-Wellington):** It's hard to follow the comedy act of the member for Timmins-James Bay and the member for Toronto Centre-Rosedale, but I will do my very best.

**Mr George Smitherman (Toronto Centre-Rosedale):** You think it's a comedy act? You think it's funny?

**The Speaker (Hon Gary Carr):** Order. Take your seat. The member for Toronto Centre-Rosedale is named. I'm going to have to ask Mr Smitherman to leave the chamber.

*Mr Smitherman left the chamber.*

**The Speaker:** The member for Waterloo-Wellington has the floor for the question.

**Mr Arnott:** My question is for the Associate Minister of Enterprise, Opportunity and Innovation. Minister, our government recognized long ago that innovation is the driving force in our new economy. We were all pleased and appreciative, therefore, when the minister announced \$22.8 million for research and development programs recently at the University of Guelph. This funding will not only provide critical innovation infrastructure but also help to put Guelph and our area on the map as important players within Ontario's innovation strategy.

**1420**

Will the minister inform the House about some of the other initiatives our government is undertaking to promote innovation in the province of Ontario?

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** I thank the member for Waterloo-Wellington for this important question. The Ontario Innovation Trust announcement at the University of Guelph last week was just part of our government's drive to create a culture of innovation.

Our government has invested in a very wide range of initiatives: \$750 million in the Ontario research and development challenge fund, \$1 billion in the Ontario

Innovation Trust and \$32 million in the Ontario research performance fund.

Just last June, we announced a \$51-million biotech strategy, and our goal is to make Ontario one of the three main biotech centres in North America.

The Premier's research excellence awards have a total commitment of \$85 million.

**The Speaker:** The associate minister's time is up.

**Mr Arnott:** Our province has certainly led the way in terms of taking initiatives to support science, technology and innovation. I know an important component of our government's innovation strategy lies in our centres of excellence. As the members of the House know, we recently announced the creation of two new centres of excellence for electricity and alternative fuels. With our focus on these hubs of innovation, will the minister elaborate on the role of centres of excellence as part of our overall innovation strategy?

**Hon Mr Turnbull:** The centres of excellence program helps us to strengthen the R&D links between industry and academia and it helps to accelerate the process between the lab bench and the marketplace.

We have four existing centres: Communications and Information Technology Ontario, the Centre for Research in Earth and Space Technology, Materials and Manufacturing Ontario, and Photonics Research Ontario. In 2002, we made a budget commitment of \$161 million over the next five years to support these centres. In addition to this, we're adding two new centres: the Centre of Excellence for Alternative Fuels and the Centre of Excellence for Electricity. This is all part of our government's priority of promoting innovation in this province.

Our government has invested a record amount of \$3.2 billion since we became the government.

#### CRIMINAL INJURIES COMPENSATION BOARD

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Attorney General. Attorney General, you will be familiar with the case of Jonathan Wamback. In June 1999 he was savagely beaten by a gang at the age of 15 years. He was on life support for 16 days, in a coma for three months and suffered permanent brain damage.

After three years of fighting with your Criminal Injuries Compensation Board, his parents have withdrawn their application in disgust. They have been asking for \$8,000 to pay for medical expenses related to their son's brutal assault. They were looking for help with ambulance fees, physiotherapy and pharmaceutical supplies, all the kinds of things you hope you never have to buy for one of your kids.

This is what Jonathan's dad said about your Criminal Injuries Compensation Board: "Victims of crime are innocent people thrust into a nightmare without end. They need immediate assistance, not bureaucracy and

revictimization. This province continually makes people beg on their knees for help that never, ever comes."

Minister, why have you failed the Wamback family?

**Hon David Young (Attorney General, minister responsible for native affairs):** I thank the member opposite for raising this important issue. Certainly no government has done more than our government when it comes to supporting victims across this province, but as the honourable member knows—or I believe he knows, because he is a lawyer—when matters are in front of the court—and this matter is still in front of the court—there are some things that can be done and some things that can't be done.

I understand that Mr Wamback has some concerns. Quite frankly, I'm very concerned myself by his experience. I say to the Leader of the Opposition that we are prepared to look into the matter. We are prepared to do whatever we can to improve the system, understanding, of course, that there are certain principles we cannot modify in this system, and one of those is that until a matter has made its way through the courts, there are certain things that politicians cannot do.

**Mr McGuinty:** That's not good enough, Mr Attorney General. This is the party that holds itself out as the defender and champion of victims of crime. This is one of the most notorious and infamous cases in all Canada. Jonathan's dad collected a million signatures and went to the federal government to bring about changes in federal young offenders legislation.

What I am asking you today, Mr Attorney General, on behalf of the Wamback family, is why you have not done anything to step up to the plate to help this family. This father wasn't even entitled to interim compensation. He gave up his job and they sold their cottage and depleted their RRSPs because your Criminal Injuries Compensation Board would not step up to the plate and help this family, even on an interim basis.

I ask you again, on behalf of this family, why have you been missing in action when it comes to supporting this family?

**Hon Mr Young:** Let's talk about missing—

*Interjections.*

**Hon Mr Young:** I think this is important enough that the members of the opposition should sit and listen to the answer, as I listened to the question. Let's talk about missing in action. The Ernie Eves government has been fighting the Young Offenders Act, has been fighting its successor legislation, which is more costly, which is more cumbersome, which is more complicated, and we have been calling on the opposition Liberals to phone their federal cousins and stop—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Come to order, please.

*Interjections.*

**The Speaker:** Order. Enough is enough. The Attorney General has the floor.

**Hon Mr Young:** Here's what I know: we have called on the provincial Liberals over and over again to talk to



the federal Liberals. We've called upon them to have the guts to say something, to fight—

*Interjections.*

**The Speaker:** Order. If I get up again, people are going out. We'll name a couple at a time; we can do it in groups. I'll get them all out. We're not going to continue to shout across.

We've lost track of time. I believe the Attorney General has about 10 seconds to wrap up.

**Hon Mr Young:** Not only have they not opposed the federal legislation dealing with young offenders, what they have done recently, and Dalton McGuinty led the charge, is he said he's going to hire 50 more crown attorneys in the next four years—50 more crown attorneys. We hire 36 a year. That means you're going to hire 12 a year; you're going to slash the number of crown attorneys in our courts. You're not going to allow criminals to be prosecuted; you're not going to let victims have their day in court.

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## GREEN ENERGY AND CONSERVATION

**Mrs Julia Munro (York North):** My question is for the Minister of Energy. We've heard from people across the province that the government's recent announcement to lower electricity rates and provide rebates for consumers is exactly the kind of relief they were looking for. Obviously, this has been the focus of a great deal of media attention. But people may be less familiar with some of the other important aspects of the government's action plan.

Minister, could you please tell us what the government is going to do to promote green energy and conservation?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** The government is firmly committed—

**Mr Dalton McGuinty (Leader of the Opposition):** On a point of order, Mr Speaker: I distinctly heard our most eminent Attorney General call my colleague a moron. I ask that he stand up and withdraw that, now.

*Interjections.*

**Hon David Young (Attorney General, minister responsible for native affairs):** On a point of order, Mr Speaker: I apologize for the use of that word. I know the deputy leader of the Liberal Party will want to apologize for using the—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. It's not going to do anybody any good to be yelling insults across.

**Interjections:** Withdraw.

*Interjections.*

**The Speaker:** Order. He did withdraw it.

*Interjections.*

**The Speaker:** Order. OK, you know what you can do? The government House leader is named. Mr Stockwell is out. The member for Windsor West is out too. You can carry this on outside, both of you. Mr Stockwell,

leave right now, and Mrs Pupatello. You can carry it on outside.

*Mr Stockwell and Mrs Pupatello were escorted from the chamber.*

**The Speaker:** If you want to yell across when I'm standing up, continue. You can do it all afternoon for all I care. You're an embarrassment, all of you; a disgraceful performance in here.

While we're at it, do we want to throw anybody else out right now? Because you can all leave, as far as I'm concerned. There are kids sitting up there; an absolutely disgraceful performance by all of you. You should be ashamed of yourselves.

Who has the floor? The Minister of Energy.

**Hon Mr Baird:** Our government is committed to the promotion of green energy and conservation. This Friday I'll be in Huron county with my colleague Helen Johns, the Minister of Agriculture, where we'll open the first commercial wind farm in Ontario. This wind farm will generate enough electricity in the province to meet the annual needs of about 3,000 homes with green electricity. That's good news for Ontario and good news for the environment.

We all believe we should have a commitment to promoting green energy. That's why the government has accepted the challenge and a set of targets to show provincial leadership by targeting to buy 20% of its electricity from green sources. I think that's good news. We've also introduced some really substantial tax incentives to try to promote both energy conservation and clean, green and renewable energy in Ontario.

**Mrs Munro:** The government is clearly providing incentives that will encourage new green energy supply in the province, but individuals also have a role to play. Can you tell us what people can do to conserve energy and what the government is doing to help them?

**Hon Mr Baird:** It will be in Bruce county, not in Huron county, though the wind comes from Huron county on the way to Bruce county, I say to my colleague from Huron-Bruce. She is a strong supporter of the Bruce nuclear facility and Bruce Power, I should add as well.

One of the principles this government stands by is that the more electricity used, the more you should pay. In fact, if we look at the summer months of July, August and September, we saw electricity demand across Ontario go up by about 7%. That just shows there were huge demands on the system with the warm weather we had. We believe the government can lead by example and we've set a target of reducing the amount of electricity we use as a government by 10%, and already some specific initiatives are underway to help us meet that goal.

We also have in place a number of incentives to encourage the people of the province to purchase energy-efficient appliances. Consumers who buy an eligible appliance between November 25, 2002, and November 26, 2003, will have their retail sales tax rebated once the Legislature passes the bill we introduced this week.

## HOSPITAL CONSTRUCTION

**Ms Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. Tonight you're holding a meeting to promote your scheme of for-profit hospital construction in Brampton. What's clear about this scheme is that a for-profit company is going to build and own the hospital, but the public is going to pay for it, and the public is going to pay dearly because the for-profit owner will of course demand a huge profit as part of any construction loan or leaseback scheme. Frankly, once the for-profit owner has a foot in the hospital door, it's not going to be very hard to move to the next step of letting that same for-profit owner also run direct hospital health services.

Minister, I think you're heading in the wrong direction, and the experience in Britain shows that. Will you cancel your scheme of for-profit construction and ownership of our hospitals?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me say to this House that nothing could be further from the truth. If the honourable member is asking what prevents the extension of contracted-out or P3 services to clinical services, the answer is quite simple: the Public Hospitals Act of Ontario and the Canada Health Act, which is a federally inspired bill. So the fact of the matter is, that is not possible. It is not contemplated; it is not part of the solution. We are simply ensuring that the hospital can concentrate on what it does best, which is to deliver excellent and universally accessible, high-quality health care services, and the private sector can contribute what it does best, namely, building and maintaining expensive buildings at, quite frankly, a measurable saving to the taxpayer. If that is not the case, then we simply won't award the contract.

**Ms Martel:** There is no place for for-profit hospital construction in Ontario, and a look at what happened in Britain would show that. The first 18 P3 hospital projects in Britain cost £53 million for consulting fees alone—C\$110 million. The first P3 hospital that was built in Cumberland had serious structural defects. Two of the ceilings collapsed because of cheap plastic joints and piping and other plumbing faults. The sewage system did not have enough capacity and the operating rooms were flooded with raw sewage. A roof design flaw and no air conditioning meant that on sunny days the temperature inside the wards was over 33 degrees Celsius.

For-profit hospital construction did not work in Britain and it's not going to work in Ontario either. Will you cancel your scheme of for-profit hospital construction and ownership in Ontario?

**Hon Mr Clement:** The answer is no, I will not do that. If the honourable member says this is unprecedented, I invite her to walk outside of her office and go down University Avenue, because right in front of you, at Toronto General Hospital, UHN, is a privately financed building going on right now; a brand new hospital wing for downtown Torontonians. This has been something that has been applied in the past in Ontario. It is not

contrary to the Canada Health Act; it is not contrary to the Public Hospitals Act.

The honourable member seems to be aware of certain accusations in Britain. I commend her to look at the national auditor in Britain, who suggests that, through the PFI—private finance initiative—of that neo-Conservative, Tony Blair, they have actually saved 17% of the cost to taxpayers, to go into actual clinical services and health care services. I would be a happy man as Minister of Health if all of my construction projects saved 17% rather than adding to the bill for the taxpayers. That would be a good day for Ontarians.

## HYDRO RATES

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Energy. Lynn is a single mom who lives in Cochrane. She is the mother of two children who are two and five years of age. She's on Ontario Works. This fall, Lynn's bills were double the usual so she scraped together as much as she could to make as great a payment as she could. In November, her bill was \$179. She also got a letter saying that she had to pay by the 26th of this month or her power would be cut off. She told her utility that she thought she would be able to get the necessary money by the 29th. Her hydro was cut off yesterday. It was minus 16 degrees in Cochrane last night.

Three weeks ago, your Premier made a very specific promise that nobody's power would be cut off for failure to pay. Why is it, Minister, three weeks after the Premier made that very specific promise, people like Lynn are still having their hydro cut off?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** We feel very strongly that, given the uncertainty we've had with respect to electricity prices and the effect that has had on working families around Ontario, it was important we come forward with relief to provide support to people to recoup some of the funds they spent on electricity since May 1, and also to deal with the go-forward basis, to provide some stability in the early running of the market.

The Premier directed me some weeks ago to direct Hydro One—which I did both in writing and directly on the telephone to Hydro One—that we, as a distribution company that's owned by the taxpayers of Ontario, wouldn't cut people off. If the member opposite wants to provide me with specific details of that, I'll look into it personally and right away. If I might have the address and the account number, that might be helpful as well, I say to the member opposite.

This is a concern. You and I both know from living in Ottawa about the problems you can have when electricity is not available, particularly in the cold winter months. We take that responsibility incredibly seriously, and later today I'll be moving second reading of a piece of legislation to provide some stability to people in the province of Ontario.



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**Mr McGuinty:** It was minus 16 degrees in Cochrane. I'll repeat: her children are two and five years of age, respectively. This is a single mom. She's on Ontario Works. She relied on your Premier to keep his word that her power would not be cut off. Her power was cut off. I'll ask you the same question that I asked the Premier before: am I going to bring these cases here on an individual basis now? At what point in time are the people of Ontario going to be able to rely on you and your promises?

It's one thing for your bungling to hit them in the wallet, but now you're jeopardizing their health and safety. I ask you again: with respect to this particular case, this particular woman and these particular children, what are you going to do to ensure that this woman's power gets back on and that nobody finds themselves in these circumstances ever again?

**Hon Mr Baird:** That situation is unacceptable. We—you and I and the members of the third party—have the power to change this today. We can pass the legislation we introduced this week that would make it illegal for that to happen between now and the end of March.

You and I have the power to solve this problem right here, right now, today. If the member opposite wants—don't shake your head. I'll call your bet. If you want to pass our legislation right here, right now, our government will allow speedy passage and we'll ensure this never happens again.

## GRAPE AND WINE INDUSTRY

**Mr R. Gary Stewart (Peterborough):** My question is for the Minister of Consumer and Business Services. As an Ontarian, I'm very proud of our world-class, award-winning grape and wine industry. To help this important industry grow, this government announced the Ontario wine strategy last year.

As you know, that strategy set some very ambitious goals for our wine industry, such as strengthening the VQA brand, creating thousands of new jobs and increasing both domestic and international sales of our wines. An important part of reaching these goals is increasing sales through the LCBO. Minister, could you please update the House on what the LCBO has done to increase sales of Ontario wines?

**Hon Tim Hudak (Minister of Consumer and Business Services):** I appreciate the member from Peterborough's question on this very important industry in Ontario. Coming from the Niagara region and being proud to represent much of that area, it's certainly of interest to me and to the people I represent.

Since Minister Norm Sterling announced the Ontario wine strategy, great strides have been made to help promote Ontario wine, and particularly VQA wine, which is 100% Ontario product. I'll give you some examples comparing this quarter to the same quarter last year. VQA wine sales are up over 15% year over year. This is partly due to the craft winery program as well as

the Taste the Quality campaign, the largest promotion in the history of the LCBO for Ontario wines.

The craft winery program, which I'm particularly proud of, helps the up-and-comers like EastDell, Strewn and Lakeview, to name but three, and saw sales jump 23% in this period over the previous period.

**Mr Stewart:** I'm pleased to hear there has been a dramatic increase in the sales of Ontario wines, again through the LCBO.

I believe it's important for us to build on these successes in the future, to ensure this industry continues to grow and create jobs in our local communities. But there is still some work to do before we reach our ambitious goals of seeing one of every two bottles of wine sold in this province made in this province, and the creation of thousands of new jobs in this industry. I believe that if we make the right decisions now and continue to aggressively market Ontario wines, sales can continue to grow for many years in the future.

Minister, what is being done to build on that momentum of strong sales of Ontario wines?

**Hon Mr Hudak:** The member is right. We have to keep moving forward. As I mentioned, the October promotion, the largest in the history of the province for Ontario wine, saw VQA product increase 20% from the previous year. Those promoted wines were up over 30% in their sales. Obviously, as we increase sales, we're increasing shelf space for Ontario wine, VQA product, at the LCBO. In fact, we'll have seen an increase in shelf space by almost 25% by the end of the year.

Similarly, to help support this culturally, they've hired a new Ontario wine category manager as well as VQA advocates as champions within the store system to help promote the great Ontario wine products made in Niagara, Lake Erie North Shore and Pelee Island, and we look forward down the road to Prince Edward county as well.

## EDUCATION FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question to the Minister of Education. You sent your hand-picked supervisor into the city of Ottawa to assume responsibility for the Ottawa public board of education. You did that because you claimed the trustees didn't know what they were doing and they couldn't see their way through to doing what you call the right thing, which was to balance the budget. Now, after several weeks, and all kinds of money being spent on this very expensive charade—over half a million dollars—your hand-picked supervisor tells us that he can't balance the budget.

Will you now finally admit, Madam Minister—and of course we just saw this movie earlier in the week with the situation here in Toronto—that the issue here is not one of trustees who are not acting in a fiscally irresponsible way; the issue is really that we don't have enough money in public education because you took too much out?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I'm very surprised at the question that

has just been asked by the member of the opposition. I'm surprised that he didn't mention the number of new investments in textbooks and teachers. I am surprised that he didn't mention that the supervisor has addressed an issue regarding the accommodation of students in the Ottawa area that has long been neglected by the trustees.

In fact, I think we have to congratulate the supervisor for developing a three-year plan for putting the Ottawa-Carlton District School Board back on the road to sustainable financial health and at the same time reinvesting in teachers, reinvesting in textbooks and identifying that the needs of all of the students, when it comes to accommodation, whether you live downtown or in the suburbs, can be accommodated. He has actually addressed decisions that these trustees, a small majority, have refused to tackle in the past four years.

**Mr McGuinty:** Everybody sees through this. You've taken \$2 billion out of public education. Our public schools are on their knees. You have compromised our children's education. The reason that the supervisor couldn't balance the budget in Ottawa and couldn't balance the budget in Toronto is because there's not enough money to get the job done.

Your Premier said that these cuts wouldn't compromise what went on in the classroom in Ottawa. One of the first things you did was to remove 50 special education teachers. You also said that the budget would indeed be balanced; that, in fact, has not proven to be the case. Everybody knows that there is a shortage of money in public education. Why don't you start by doing two things here and now: (1) admit that there's a desperate shortage of money in public education; and (2) tell us you're no longer going to put half a billion public tax dollars in private schools?

**Hon Mrs Witmer:** The Leader of the Opposition needs to understand, and I would think he would know this already, that the trouble of the Ottawa board didn't start overnight. They were given transition funding by the province. In fact, they got over \$128 million. Instead of using the money, as other boards did, to go about restructuring, they simply avoided making the decisions that were going to be necessary. Unfortunately, the transition funding has now run out and the board finds itself in a deficit. I can tell you, these problems didn't start overnight. For example, last year they didn't spend their money as they should. They simply refused to make the decisions, when they had the transition funding, that were necessary to provide for the needs of the students.

#### FOREIGN-TRAINED PROFESSIONALS

**Mr John O'Toole (Durham):** My question is to the Minister of Training, Colleges and Universities. I was delighted, last week, in your announcement of the three new initiatives to help foreign-trained professionals. I know my constituents in Durham commented, and they were pleased.

You know that most newcomers to Canada choose to live in Ontario and it's no mystery why: we offer a strong

and diverse economy, as well as strong social programs and of course a very high standard of living. This issue is really all about fairness and it's also about our economy. As you understand, we have a shortage of certain skills in our economy, and a large part of the solution can be found in those newcomers who choose to locate in Ontario but want to practise in their trained field.

Minister, can you tell this House, and the members who may be listening, your three new initiatives and how they will fit the foreign-trained professionals and allow them to work in Ontario?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** We have a focus within our ministry of helping our foreign-trained professionals, and we've been making significant gains in the last couple of years.

Last week we announced a partnership with the Ontario Society of Professional Engineers that will create a new program called Pathways. This is employment experience for people who are already qualified to be engineers in their own country, but must pass the test and be qualified here with the regulatory body. This is an opportunity for me to thank about 150 companies that have given these people an opportunity to work for about a year and to learn Ontario standards and experience.

There's also a partnership with the Canadian Manufacturers and Exporters, and we'll be continuing to work with them as well. These are just two of many programs.

1450

**Mr O'Toole:** Thank you for that answer, Madam Minister. I'm very impressed with this whole integration of foreign-trained professionals to allow them to work in their field of training. I know I've worked with constituents—I could mention Lilian Lockyear and others. I'm delighted you're moving forward to provide for foreign-trained engineers and others to work and be licensed in Ontario.

I know you've worked to create other new bridge training programs. For the members who don't know, these are programs to allow newcomers to learn what they need to meet Ontario standards without duplicating what they already know.

Working in partnership with regulatory bodies in Ontario has produced several new programs in high-demand fields like nursing, pharmacy, carpentry, medical radiology, medical labs—and the list goes on. It was our government that took action to create these opportunities. I congratulate you.

Perhaps you could continue to share what work lies ahead to provide opportunities—

**The Speaker (Hon Gary Carr):** Minister?

**Hon Mrs Cunningham:** The programs we have in Ontario are fairly new in the country. We refer to them as bridge training programs. We're working across the country with other provinces. We've actually been told that we have some very excellent models.

One I would like to talk about is the CARE program, which I shared with this House last year. It's quite



emotional when you have nurses who come to you who are not working in their chosen field. The CARE program we started last year—300 internationally trained nurses will have completed the CARE pilot program. The goal is to double the previous pass rate of 33%. To date, 288 internationally educated nurses have been recruited to participate, of whom 51 have secured employment as registered nurses or registered practical nurses. Of the 128 participants who have written the licensing exam, 70% have passed. This exceeds our goal, and this—

**The Speaker:** The minister's time is up.

### EDUCATION FUNDING

**Mr Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. Minister, I want to tell you that your school budget sham is over in Ottawa. You congratulate the supervisor on his three-year plan, but what this really means, in case you don't know, is that you're allowing the supervisor to carry over a \$14-million deficit, just like you're allowing the Toronto supervisor to carry over a \$16-million deficit, something that trustees were not allowed to do. You also said the books could be balanced without cutting, but you know that in Toronto and Ottawa they have cut millions.

I am saying to you, don't try to fix the trustees. They're not the problem. Fix your flawed funding formula. And while you're at it, why don't you try to reinstate the Ottawa trustees now that your board takeover has clearly failed?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I would just say to the member that I believe the supervisor is to be commended, because one of the things the supervisor has actually done is he has developed a three-year plan to put the Ottawa-Carleton District School Board back on the path to financial health. The other thing the supervisor has done is he is going to be speaking further to the whole issue of accommodation. In the city of Ottawa, we have many schools in the downtown area that are underutilized. We have hundreds and hundreds of students in the suburban areas of Ottawa. As a result of the work that's going to be undertaken, this will mean that these new students will have new schools, and they're going to actually have accommodation which has been long needed. A good example is Stittsville. These people who have been neglected by the trustees are now going to get the schools they need.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** On a point of order, Mr Speaker, and this is a very serious point of order: The leader of the official opposition raised a very serious case with respect to a woman in Cochrane, where it was below minus 15, who was cut off her hydro. We do have legislation before the House to deal specifically with that problem—Lynn in Cochrane. I'd like to ask for unanimous consent to move it, second and third reading and to pass without debate Bill 210, An Act to amend various acts in respect to pricing, conservation, supply of

electricity and in respect of other matters related to electricity, so we can solve this problem for Lynn today.

**The Speaker (Hon Gary Carr):** If people can be quiet, I can hear whether there is a yes or no. Is there unanimous consent? I'm afraid I heard some noes.

### PETITIONS

#### ALUMINIUM SMELTER

**Mr James J. Bradley (St Catharines):** This petition is to clean up the abandoned aluminium smelter in Georgina. It's addressed to the Legislative Assembly of Ontario:

"Whereas the abandoned aluminium smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding the Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River feeding into Lake Simcoe;

"We the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Ministry of the Environment should immediately conduct a full environmental assessment and cleanup of the site."

I affix my signature, as I am in complete agreement with the sentiments expressed in it.

#### EDUCATION FUNDING

**Mr Michael Prue (Beaches-East York):** I have a petition here to the Ontario Legislature that reads as follows:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

It is signed by some 25 people from the Toronto area. I am in complete agreement and affix my signature thereto.

## COMMUNITY HEALTH CARE CENTRE

1500

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** I have a petition to address to the Legislative Assembly of Ontario. It reads as follows:

"Whereas Sarnia-Point Edward and area is experiencing a crisis in a shortage of health care professionals, specifically doctors; and

"Whereas community health care centres are a proven primary health care system that can attract professionals and deliver primary health care in a cost-effective and efficient manner;

"Be it resolved that the Legislative Assembly of Ontario approve a community health care centre for Sarnia-Point Edward and area as soon as possible."

As I strongly support this type of delivery for primary health care services, I will endorse the petition.

## HYDRO RATES

**Mr Gregory S. Sorbara (Vaughan-King-Aurora):** It's not often that I get to introduce petitions, but I have an extremely important petition here signed by hundreds of residents from the riding of Vaughan-King-Aurora. I won't read all of the preambles, or the resolution, but it deals with the incredible mismanagement of Ontario's hydroelectric system under the Harris-Eves government, and I will affix my signature and I support the contents of the petition.

## EDUCATION FUNDING

**Mr Michael Prue (Beaches-East York):** I have a similar petition. It reads as follows:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

It is signed by 33 teachers in the Mississauga area. I am in agreement and will affix my signature thereto.

## EMERGENCY RESPONSE TEAMS

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I wish to read in a petition under the title "Honour Emergency Workers Who Lose Their Lives in the Line of Duty.

"Whereas the Ontario Legislature has debated a private member's bill titled the Flags at Half-Mast Act, 2002, requiring flags at all provincial government buildings be flown at half-mast for a period of mourning to honour police officers, correctional service officers, firefighters and ambulance workers in Ontario who lose their lives in the line of duty; and

"Whereas our emergency response personnel deserve our thanks and respect for their efforts to ensure the safety and security of all Ontarians; and

"Whereas MPP Toby Barrett has spoken and voted in favour of this legislation;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the government of Ontario support Halton MPP Chudleigh's Flags at Half-Mast Act, 2002, and require all Ontario government buildings to lower their flags for a period of mourning to pay respect to dedicated men and women who lose their lives in the line of duty."

I affix my signature to this petition.

## LONG-TERM CARE

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem...; and

"Whereas this fee increase will cost seniors and our most vulnerable ... \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions...; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase ... funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort...;



"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

This is signed by my constituents and constituents of Prescott and Russell, and I sign the petition also.

### EDUCATION FUNDING

**Mr Michael Prue (Beaches-East York):** The third and final instalment on this comes from teachers who live and work outside of the greater Toronto area, and it reads as follows:

"Whereas the government has cut over \$2 billion from public education over the past seven years;

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students;

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors;

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

There are some 80 signatures from outside of the GTA, and I am pleased to affix my signature thereto.

### SCHOOL CLOSURES

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a petition calling for a moratorium on high school closures. It's signed by students and parents from Windham Centre, Teeterville, La Salette, Delhi, Norwich, and other communities.

"Whereas one high school has closed and several others are threatened by the Grand Erie District School Board; and

"Whereas the Education Equality Task Force led by Dr Mordechai Rozanski is reviewing the current funding formula for education in Ontario; and

"Whereas the Grand Erie District School Board is expected to issue additional high school closures; and

"Whereas parent groups and community volunteers feel the Grand Erie District School Board has not set aside adequate time to review and explore all other viable options to keep area high schools open;

"We, the undersigned, request the Grand Erie District School Board and the Ministry of Education declare a moratorium on secondary school closures until such time

recommendations from the Education Equality Task Force will have been implemented."

I support this petition and affix my signature.

### WILDLIFE MANAGEMENT

**Mr Richard Patten (Ottawa Centre):** I have a petition to the Legislative Assembly of Ontario.

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife; and

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured" young "wildlife in Ontario; and

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the ministry will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and jeopardizing public safety; and

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals" killed;

"We, the undersigned, are deeply concerned that the release restrictions imposed by this ministry will eliminate the provision of responsible wildlife services in our community; and

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I have hundreds and hundreds of petitions and I am signing my name too.

### SCHOOL CLOSURES

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have another set of petitions. These are also concerned with high school closures, signed by people from Delhi, Courtland, Wilsonville, Otterville, Port Dover—

**The Deputy Speaker (Mr Bert Johnson):** If you would like to read it, we'll hear it now, or else we'll go on.

**Mr Barrett:** "Whereas the education funding formula applied uniformly across the province of Ontario has forced many consolidated boards of education to move to close schools, especially in rural areas; and

"Whereas the formula is now being reviewed by Dr Mordechai Rozanski, with a report to the provincial government anticipated by November 2002;

"Now the undersigned petition Dr Rozanski, the boards of education and the province of Ontario as follows:

"(1) Include in any future funding formula recognition of the importance of rural schools to their communities;

"(2) Give communities the opportunity to directly support (by taxation, if necessary) their schools to ensure their continued existence; and

"(3) Mandate an immediate moratorium on the consideration of the school closures until the new funding formula is in place."

I agree with this additional petition and affix my signature.

### SCHOOL BUS SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** "Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is the licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002....

"We ask for the support of all members of the Legislature."

This petition is signed by a number of residents from Mattawa, Sturgeon Falls and North Bay, and I too have signed this petition.

1510

### HOSPITAL FUNDING

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a series of petitions signed by people from Townsend, Courtland, La Salette, Port Dover, Tillsonburg, Vittoria and Turkey Point, all members of what's referred to as the Family Fund, concerned with their local hospital:

"We, the undersigned, endorse the following petition:

"Our community has raised its share of funds, over \$7 million, toward the redevelopment and expansion project at Norfolk General Hospital. We call on the Ontario government to declare its support for quality health care in Norfolk county by authorizing the Norfolk General Hospital to proceed to tender at this time and then to

construction on this project with 50% capital funding from the Ministry of Health and Long-Term Care."

Residents are also encouraged to fax letters of support directly to Minister Tony Clement.

I sign my signature to this.

### CHILDREN'S HEALTH SERVICES

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I have petitions here that came from the citizens of Vankleek Hill:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government is shutting down the heart surgery unit at the Children's Hospital of Eastern Ontario; and

"Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

"Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

"Whereas centralization of children's heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

"Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

"Whereas the people of eastern Ontario demand accessible, quality health care for their children;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government's decision to close this life-saving program and to ensure that top-quality, accessible health care remains available to every child in eastern Ontario."

I gladly affix my signature.

### ORDERS OF THE DAY

#### FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

#### LOI DE 2002 SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D'ENTERREMENT ET DE CRÉATION

Resuming the debate adjourned on November 26, 2002 on the motion for second reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

**The Deputy Speaker (Mr Bert Johnson):** Mr Hudak has moved second reading and now we're going to debate. I'm looking to my right, to the government benches.



**Ms Marilyn Mushinski (Scarborough Centre):** I'm pleased to join in this debate to speak in support of this very important bill, the Funeral, Burial and Cremation Services Act, 2002.

The government of Ontario recognizes the vulnerability of people coping with the loss of a loved one, especially when they have to make funeral arrangements. Unfortunately, I had to go to England this summer to help my sister, who lost her husband, and I know firsthand the challenges, issues and personal stress that are involved in having to make funeral arrangements. I think it's extremely important to address this particular issue, and certainly that's what this particular act does. It serves to better protect consumers, and in order to do that, the government has brought forward this proposed legislation that would, we believe, strengthen consumer protection for people who are seeking bereavement services. It's an issue that I know has been under discussion for quite some time.

The Funeral, Burial and Cremation Services Act, 2002, will provide enormous advantages to consumers across the province when they purchase bereavement services. It would make more information available so that they could make more informed choices and it would also help to protect consumers from any unscrupulous suppliers that might try to take advantage of them at a time when they are most vulnerable.

There are a number of consumer protection provisions contained within the legislation, including the prohibition of falsifying information, false advertising, and furnishing false information. Under the proposed legislation, all service providers would be required to maintain standardized price lists of the supplies and services they sell and would be prohibited from selling at a higher price than indicated. These rules are intended to be strict where consumer protection is concerned, yet flexible enough to allow the orderly development of new business models in the sector.

Our consultation with sector stakeholders was very extensive. The proposed legislation has been developed through a long-term and diligent consultation process. I was personally involved in that, not only as a member of the Scarborough Centre constituency but also as a member of the Red Tape Commission, and I know that it involved many stakeholder and consumer groups to ensure that this particular piece of legislation is both responsive and indeed responsible.

I'd like to take a few minutes to explain how the consultation process was developed and what we believe it has achieved.

Ontario's bereavement services sector consists of some 5,500 participants and businesses, and that's pretty substantial. Among the services, of course, are funeral homes, cemeteries, marker and casket retailers, and transfer services. Within that sector are diverse participants, including funeral establishments, which are often private businesses working for profit, and cemeteries which may be run by religious non-profit organizations or even municipalities.

For some time, government, consumer groups, and sector stakeholders have recognized that current legislation that covers the bereavement sector needed to be updated. The marketplace has evolved, and the needs of the participants, consumers and, indeed, the community at large have changed, although Ontario's standards for the operation of funeral, transfer services and cemeteries continue to be among the highest in North America.

Four years ago, the government began consideration that a full review of changes in legislation was needed for consumers and practitioners in the bereavement sector. In 1998, the then Minister of Consumer and Business Services—my colleague the Honourable David Tsubouchi—became involved with the issues around bereavement legislation. Convinced of the need for detailed consultation on the important issues that affect consumer groups and sector stakeholders in very personal, as well as financial, ways, the minister asked the Red Tape Commission, and I've already alluded to that, to meet with stakeholders and to ensure that Ontario's standards and regulatory framework were current and relevant to the marketplace. This request was based on the Red Tape Commission's proven track record of consulting with businesses and consumers to improve regulations and, of course, to cut red tape.

The Red Tape Commission struck a working group of MPPs, consumers and service providers which met on a number of occasions from the autumn of 1998 through to the spring of 1999. The group looked at and worked on issues critical to the sector and to its consumers. Membership was voluntary and was designed to represent service providers and consumers from across the province. Interested parties who were not part of the working group were kept informed of the group's activities. Their efforts and those of Minister Tsubouchi set the stage for the development of the proposed legislation before this House today, and all are owed a debt of gratitude for their perseverance and determination in helping to set the stage for this most important proposed legislation before us today.

**1520**

In February 2002, the Red Tape Commission shared its work with Minister Bob Runciman, who had assumed the consumer portfolio. Minister Runciman determined that the importance of increased consumer protection, and providing a level playing field—and that's important because that's what the Red Tape Commission is all about—and future flexibility for service providers, warranted moving toward the development of proposed bereavement sector legislation. Minister Runciman knew that there were many challenges to be faced in arriving at proposed legislation and sought out a mediation strategy to resolve a lot of stakeholder issues that are related to this very complex subject.

The resulting mediation methodology he pursued has been recognized, we believe, across the Ontario public service for its very innovative leadership.

First, Minister Runciman sought out an experienced mediator who would help the diverse sector participants

arrive at a consensus, because I think it can be agreed that there was considerable dissent within this sector initially and it was really necessary to make substantial changes to the current legislation.

The man the minister asked to guide the consensus was the Honourable George Adams, QC. I don't know how many people outside legal circles are fully aware of the extraordinary expertise and experience of this facilitator, mediator, arbitrator, lawyer, teacher and former Superior Court judge. His experience relative to facilitation and mediation is formidable and most impressive. The Honourable George Adams, QC, was a member of the advisory committee which designed and managed the project that gave rise to Ontario's mandatory mediation system and has written extensively on mediation, arbitration and other alternative dispute resolution procedures. His assistance was extremely important in bringing together the diverse groups that make up the bereavement sector.

From one consumer's point of view, the purchase of bereavement services involves a conscious decision to prepare for an eventuality that none of us escape. Another consumer may make similar purchases at a time of shock or profound personal sorrow when a loved one passes.

The majority of service providers in this sector are responsible professionals who provide empathy as well as understanding of each consumer's personal situation. They are, as I've already said, also a diverse group of professionals who may work for profit or not, and may operate internationally or in one small Ontario town to supply funeral, transfer and cemetery services as well as markers and caskets to Ontario's consumers.

Their interests are equally diverse, and while most share the government's view that current legislation should be updated to provide greater advantages to consumers and service providers, there was little consensus as to the direction the legislation should take.

In February 2001, the Honourable George Adams, QC, met individually with industry and consumer representatives. The significant pre-consultation period provided both a look into the concerns of individual groups and a basis for establishing the agenda of the meetings.

The Honourable Adams's conclusion that an intensive two-day session to discuss central areas of interest should be scheduled was reported to the new minister, Norm Sterling, who strongly encouraged the parties to participate.

On the first day of the meeting, information was exchanged and goals were set. On the second day, a detailed review of common challenges was completed. Issues related to consumer protection and changes within the industry were also discussed and carefully considered.

Following the successful meetings, in May 2002, Minister Sterling invited interested parties to participate in the Bereavement Sector Advisory Committee to advise the government on matters of interest to the sector and to consumers. I won't go into the lengthy list of that

committee, but believe me, it represented a wide cross-section of the sector.

In the course of the meetings, the diverse group of stakeholders committed to support legislation founded on four basic tenets and committed to working together with the Honourable George Adams, QC, to advise the government. The committee's advice, achieved through consensus, has informed many areas, but especially provisions to strengthen consumer protection, measures to foster a level playing field for industry participants, options to create a single regulatory regime, and clear rules setting out the conditions under which combinations would be permitted.

The last two points are of greatest interest within the sector, and public awareness of them is also important to making informed decisions in the marketplace.

By proposing to create a single regulatory regime by combining the Cemeteries Act (Revised) with the Funeral Directors and Establishments Act, 1990, into one piece of modern legislation, the government is working toward providing a legislative framework that's easier for consumers and businesses alike to understand and follow.

Under a single piece of legislation, consumers would be protected in a system where inspections, investigations and penalties would be more consistent and effective. Legitimate sector participants and consumers alike, we believe, need clear, consistent standards that minimize loopholes for unscrupulous businesses to exploit and that competitors can follow quite easily.

The few bad apples who might try to take advantage of bereaved customers would be dealt with on a basis similar to that proposed in other consumer protection legislation already introduced in this session of the Legislature.

Compliance is best achieved through a range of activities, from educating service providers about their responsibilities and advising consumers of their rights, to continuing to provide civil remedies and rules to guide the resolution of contract disputes, to establishing administrative remedies as alternatives to prosecution.

Under the proposed Funeral, Burial and Cremation Services Act, 2002, maximum fines for misdeeds, such as falsifying information or false advertising, would parallel those proposed in other government consumer protection initiatives, increasing to \$50,000 for an individual and \$250,000 for a corporation. Courts would be able to order restitution paid to consumers in appropriate cases.

As the various sectors are licensed, the proposed legislation would give the regulator the authority to establish and maintain discipline committees to deal with infractions of the code of ethics. Consumers who deal with services that become insolvent would be protected by a compensation fund similar to the one that currently exists under the Funeral Directors and Establishments Act, but is also geared to the needs of the specific group of providers.

1530

The other major service issue pursued by the Bereavement Sector Advisory Committee is known as the



combination of services. Under current Ontario law, cemeteries must operate as separate corporate entities from funeral homes and all crematoria must be located on cemetery grounds. Funeral homes, on the other hand, may not be located on cemetery grounds. At the time the legislation was passed, this type of regulation was appropriate. Cemeteries were, for the most part, community operations frequently staffed entirely by volunteers. Funeral homes, on the other hand, were led and operated by professionally trained service providers. There was little overlap between the supplies and services offered by the two groups.

Today, bereavement services include a wide variety of options, including non-traditional and very simple funeral arrangements. Consumers want the ability to choose the services that they consider appropriate and to choose from one supplier or from specialists. Providers wish to offer the services that consumers want.

The proposed legislation would provide for the licensing of all service providers. The proposed licensing system would be developed with input from the stakeholder groups to maintain and increase the current high standards of Ontario practitioners in each service area.

Time doesn't allow me to continue for much longer, but what I can say is that I believe this particular legislation has come about as a result of a very strong, co-operative effort between the various stakeholders within the sector. The government received 15 major submissions from consumer groups and service providers, and if the proposed legislation passes, the government is committed to further consultation with the Bereavement Sector Advisory Committee on potential regulations that are fair, effective, clear, flexible, and would minimize the burden of red tape on consumers and businesses—all with the goal of ensuring that an appropriate range of bereavement services is available for consumers within a reasonable legislative framework that meets the needs of both consumers and service providers in Ontario.

The consultation process has been truly extensive and productive in the development of the proposed legislation that we have before us today, and I want to thank everyone involved with the development of this piece of legislation.

**The Deputy Speaker:** We are now open for comments and questions, up to four, and we'll start to my immediate left, the member of Elgin-Middlesex-London.

**Mr Steve Peters (Elgin-Middlesex-London):** This is very important piece of legislation that we are dealing with here, but I do take some exception to some of the comments that the honourable member made.

She talks about consumer protection and she talks about a few bad apples, and it troubles me that she's impugning this industry. This is an industry that last year performed over 80,000 burials. Out of those 80,000 burials, there were 26 complaints. And out of those 26 complaints, maybe about 13 of them were actually from consumers. So we're dealing with an industry that

already recognizes that they're dealing with individuals at a difficult time. We're dealing with an industry that recognizes the importance of customer service, and it troubles me that she impugns—that there are bad apples out there that are in some way are hurting this industry.

You know, she talks about the services and supplies, and one of the areas that I have some real trouble with is the creation of monopolies within the whole bereavement sector. By allowing cemeteries to get into the funeral home business, they are creating a concept of one-stop shopping. They're creating a true monopoly, where the public is going to go into that cemetery, they're going to pay for their funeral service there, they're going to have to buy their grave, they're going to have to pay for the opening and closing charges in that cemetery, they're going to have to pay for the cost of the monument in that cemetery. I think we need to have consumer choice, and this isn't allowing for consumer choice.

This opening up of the large cemeteries is going to seriously threaten the viability of a number of private funeral homes that have spent countless dollars improving their facilities and are going to see that thrown out the window because this government is prepared to allow monopolies within the funeral services industry.

**Mr Tony Martin (Sault Ste Marie):** I'm pleased to speak following the speech by the member for Scarborough Centre. I thought she put forward a fairly detailed and effective argument for the bill that's before us. The only thing I would challenge her on is the contention that they consulted widely. They may have consulted widely, as they usually do, but mostly with the business side of the industry.

We've had a number of groups come before us, as a caucus, concerned about this bill, that there hasn't been enough consultation and there haven't been enough guarantees given that their interests are going to be recognized and looked after. These are the faith groups who, in many instances, run small rural cemeteries that are already struggling in many ways and who fear an imposition of new fees and taxes that may cause them financial hardship that they won't be able to respond to and deal with. They may, in fact, have to turn over their operations to some business interest that may then bring a corporate culture and approach to the way funerals are dealt with in those parts of the province, and stand the chance of losing many long-standing and important traditions in this very important area of public life: how we celebrate and work with families around the death of loved ones.

I also would contend that her suggestion that there will be further consultation as the regulations are put in place—it hasn't been the track record of the government to consult on regulations, but simply to make the regulation and show them to us after they're done. I hope the member would be willing to stand and give us further assurances on that front.

**Mr Bob Wood (London West):** I think the member set out very well the history and purpose of this legislation. I think she quite rightly pointed out there's been a

long consultative process that has led to this legislation. All the stakeholders and the general public have had ample opportunity for input, and as a result of that there seems to be considerable consensus around this legislation.

This legislation is in fact 21st-century regulation. The regulation of this industry was badly outdated, and there was consensus around that from virtually everyone who made submissions on the legislation. There certainly are differences of view as to how to get to what was generally desired as a result, but I think we have a good example of consultation, application of good regulatory policy and a very good result. I think the member made that quite clear in her speech.

I think as well of the question not just of process but of substance: what is good 21st-century regulation? I think she dealt with that very well in her speech as well. What we are doing is offering informed consumer choice, achieved through appropriate competition. In achieving informed consumer choice, we are also giving a lot of consumer protections, which are necessary. There are unique features in an industry of this nature that indicate there have to be certain areas of regulation that might not be present in a different form of endeavour.

I thought the member covered the subject very well. I think she touched on the key points and made it quite clear why this is indeed a good piece of legislation.

1540

**Mr Mario Sergio (York West):** I'd like to add some comments on the presentation by the member for Scarborough Centre. Indeed, she went into some detail explaining not only the history but the content of the present bill as it has been introduced.

I think the introduction of this bill is a good beginning. It is, I would say, a modest step in addressing some of the concerns surrounding the bereavement business, if you want to call it that, and they need to be addressed. I think the public in general needs to have alleviated some of those concerns that have been spoken of not only in the bill, but in the various agencies and the community.

It will never be 100% acceptable to both sides, but if we really want to see a more complete bill, I think this is the time that the minister should say, "You know what? Let's have some public hearings and let's have some input from those individuals, groups, agencies, either people who may have an interest in the legislation the way it has been drafted and are wanting to make it better or who are part of the industry and have some concern with the legislation." I think we owe it to those people who have a concern. As I said, yes, it does improve the situation, but there is still a lot of concern out there. This is an area that I think we have to address, and only once we expose the legislation to the general public, those who have a concern, can we say that indeed this will go a long way in offering protection to the general public.

**The Deputy Speaker:** The member for Scarborough Centre has two minutes to respond.

**Ms Mushinski:** I'd certainly like to thank the members for Elgin-Middlesex-London, Sault Ste Marie,

York West and London West for their contribution to this debate.

I would in response say to the member for Elgin-Middlesex-London that the whole issue around developing a code of ethics to address what I refer to as "bad apples" was actually raised by the Bereavement Sector Advisory Committee itself. It was members who expressed serious concern about ensuring that consumers are protected from high-pressure sales tactics, misrepresentation and unconscionable consumer representations. It was for that reason that the development of a code of ethics to help protect individuals, as I said earlier, who perhaps are at one of the most vulnerable times of their lives, having lost a loved one—they would actually be facilitated by the proposed legislation. We believe higher maximum penalties for offences under the legislation would act as a deterrent, and that is actually in direct response to that serious issue that was itself raised by the Bereavement Sector Advisory Committee.

To the member for Sault Ste Marie, I would reiterate that the government received 15 major submissions from consumer groups and, as I have already said, if the proposed legislation passes, this government will consult further.

**The Deputy Speaker:** Further debate?

**Mr Peters:** As has oft been said, there are only two sure things in life, and that's death and taxes. For the most part, this Legislature deals with the tax end of things. It's not too often that we're dealing with death or the bereavement industry.

It's an important piece of legislation that we are dealing with in front of us today. Having been associated in numerous ways with the bereavement industry, from having served on a couple of cemetery boards to having family members who are in the business—and yes, I've already written to the Integrity Commissioner and I'm free to comment and to vote on this bill. There are a number of really positive things in this bill. There are some areas, though, that we do have some grave concern about. I want to go through the bill and point out some of the areas where I think we as government—and I heard the Minister of Transportation say this past Monday that he had no problem with this bill going to committee. I think it's imperative that this piece of legislation go to committee. I think, as much as we've heard that there's consensus out there, that there is a lot of concern that is being expressed by some individuals within the bereavement industry. I think we need to give them that opportunity to express their concerns.

You talk about section 47(3), which talks about speculating on cemetery plots. I can understand the rationale in here for talking about this, but on the flip side of it, when you talk about a refund, this could have a real burden on a number of cemeteries—a non-profit cemetery or a municipally run cemetery. In days of old, many plots were sold for \$10, \$25, but the value today could be \$400 or \$500 or substantially higher. The refund, though: if somebody bought a plot years ago and then came forward to a cemetery and said, "We're not going to use



this plot. We would like a refund," this legislation says that they are going to have to pay market value. That could be an extreme burden. I know the St Thomas Cemetery Co, as an example, just struggles to make ends meet. If there was a flood of individuals who came forward and said, "We would like to resell our plots," this could cause a serious financial burden on cemeteries.

Section 49 talks about declaration of abandonment. I think this is a good piece of the bill, because after 20 years a cemetery can apply to the registrar to have the rights abandoned. There are hundreds and hundreds of plots in cemeteries across this province where the cemeteries could look for new sources of revenue. So section 49 of this bill I think can have a positive impact and help out cemeteries.

I think we need to look at some concern as well, though, under section 53(12), which talks about the perpetual care fund. One of the important things with cemeteries has been the establishment of the perpetual care fund, but they're leaving it open here that a capital portion could be accessed and could be permitted under regulation. I think we are going to have to watch this very closely, because these care funds are meant to look after a cemetery in perpetuity. If we start allowing cemeteries the opportunity to get in and remove the capital from these funds, down the road that could have a detrimental effect on the cemeteries.

This is another area in the legislation, sections 102 and 103, that I think needs to be strengthened. It talks about prohibition of interfering with the cemetery and liability. One of the most despicable crimes that we see around this province, and it happens all the time, is vandalism of cemeteries. Every cemetery in this province has experienced it. Do you know, for committing most of those crimes, unfortunately it's just a slap on the wrist or some community service that an individual has to undertake? I think it's incumbent on the government and every one of us in this Legislature that we strengthen sections 102 and 103, that we send a message to these idiots who are vandalizing cemeteries that this is not acceptable, that we ensure that it's right in the legislation so that the message is sent out to those individuals, and that we put strong fines in place for those idiots who vandalize cemeteries. I would ask that we work toward strengthening this legislation.

The other aspect of the legislation that I think we need to be concerned about is section 112. This in the area of dealing with abandoned cemeteries, and this is a real problem in this province. We have a lot of cemeteries in this province that are run by small rural boards, boards made up of volunteers who may only conduct one or two interments a year. They often find that they don't have adequate perpetual care funds. The graves have been sold for a much lower price, and many cemeteries find that they can't look after them. The burden then lies with municipalities, which then become responsible for the care and maintenance of these cemeteries.

We need to ensure, if cemeteries are being down-loaded, that there is an obligation on us to try to do what

we can in the provincial Legislature to help some of these cemeteries out to meet their costs, and not do what has been suggested previously, which is that cemeteries that are finding themselves in difficult times are going to have to go out and undertake fundraising. Beer and bingos to help save cemeteries is not the answer. Downloading the responsibility for the care and maintenance of cemeteries shouldn't lie fully as a responsibility of the municipalities. There should be a role that we as government play in this.

1550

The other area that needs to be addressed in this legislation is the whole question of fees. Cemeteries, it appears in this legislation, are going to be fee-ed to death. There's going to be fee after fee imposed. Again, it's not so much for the large cemeteries that this is going to be a real issue, but for the small, rural cemeteries. The small, rural cemeteries are already struggling right now. When they send their money to the care and maintenance fund, they have a whole pile of overhead costs and fees that they have to pay to the province.

I think we need to look at what we're doing with this legislation to ensure that we're not going to put so many fees in place that a small, rural board is just going to walk from a cemetery, which will then put it into the lap of the municipality, which is then going to put it on to the local tax base. We need to ensure when the fees are established that we take into account the ability of a small, rural cemetery to pay for those fees.

I'd like to go to some of the areas where I think there are some serious flaws in this legislation. In this province, we have 550 funeral homes. As I pointed out earlier, last year there were 80,000 deaths in this province—80,000 individuals who were looked after by the bereavement industry—and we had 26 complaints. Approximately 13 of those complaints were funeral-home-to-funeral-home complaints; but 13 complaints out of 80,000. Again, that's why I took exception to some of the comments that were made about bad apples out there. It's obvious this has been a very well-run industry. The individuals who are in this industry treat people with respect and dignity.

I take my hat off to a funeral director, because they are dealing with individuals at a most vulnerable time and they are dealing with individuals who are dealing with the loss of a loved one. I do commend those individuals in this industry. It takes a special person to be a funeral director. The way they comfort families and ensure that families get through these difficult times is to be commended. But we need to ensure, though, as these changes are being made that we're not radically altering the face of this industry.

I'm concerned in particular with one aspect of this legislation where we are radically going to alter the face of this industry and we have the potential to drive individuals out of business. Right now in the province there's a prohibition in place that a cemetery cannot run a funeral home. I think that has worked very well. It has given individuals the choice to go to the funeral director

they want, it has given them the opportunity to pick the cemetery they want and it has given them the opportunity to pick the monument and casket they want. That's choice. But I'm afraid we're creating monopolies with this legislation. When we allow a funeral home, which can sell caskets and monuments, to be set up in a cemetery, we are creating a monopoly.

I know my brother, Joe Peters, who is a funeral director, gets paid a salary. Joe is paid to work with and for a family. If this legislation is going to go through, I think we need to talk about this whole area of commissions, because we know an individual who is being paid a salary will approach things much differently than an individual who is being paid a commission. An individual who is being paid a commission is going to push for a high-end casket; he's going to push for a high-end monument.

I have a problem with that. I think we need to ensure that in this legislation, if it is going through—and the government will probably use its majority and probably invoke closure on it, as they have done with 80% of the bills we've dealt with in this session.

There's a real serious problem. I think you need to recognize that you are dealing with people at a very vulnerable time. To have a commission salesman standing there and saying to a lady, "You know, Ma'am, your husband would want nothing but the best. He'd want that bronze casket. He'd want that cement vault that's bronze-coated. He'd want the great big monument." People are vulnerable, and when somebody is working on a commission, they're going to try and push to get the best sale they can. So I think the whole question of commissions seriously needs to be looked at.

We need to think about what's happening within this industry. We're already seeing a consolidation. We're seeing large companies being formed that are getting into this business because it's a business, quite honestly, that is recession-proof. We may see ups and downs in the auto industry and difficulties faced by the farmers but, as I said in the beginning, there are two sure things in life: death and taxes. In dealing with death, death is recession-proof.

We need to ensure that we do not do anything that is going to interfere in this industry. I am very concerned that by allowing cemeteries to get into the full-scale funeral business, we are going to hurt individuals who have made substantial investments. Buying a funeral home is not a cheap undertaking. Ensuring that your funeral home is up to date and modern is going to cost you a great deal of money. We need to ensure that we help those individuals who have made those investments to protect those investments.

The other aspect we need to think about is that many of these cemeteries that are going to be in the business, that are sitting there right now, putting their hands together and thinking, "Wow, we're going to be offering everybody one-stop shopping," are tax-exempt. Many of these cemeteries are run by non-profit corporations. Many of these cemeteries are faith groups. And in this

legislation, you're going to allow them to remain exempt for a further five years. You talk about wanting to have fair competition. Well, I don't think it's very fair at all that an individual who has made a substantial investment, has paid property taxes and business taxes for many years—and it could be Williams Funeral Home in St Thomas, which has been in business since 1893—and all of a sudden, they're going to be up against somebody who is a non-profit and hasn't paid taxes. So I think we need to think about that.

I come back to the point of the consultation that was undertaken. I would assume that when the government undertakes extensive consultation and goes out and listens to the various stakeholders out there, the views of the stakeholders are going to be included in the legislation. I think the government has failed a number of stakeholders out there by not ensuring that the views and concerns they have are incorporated in this legislation.

In particular, I look at the funeral homes of this province. The funeral homes and the operators of these facilities have some very serious concerns. It's difficult to ensure that you don't put too many puns into your speech when dealing with this, because I can tell you honestly—and there is no pun intended—that there are some grave concerns out there with this legislation that's in front of us, and those concerns need to be addressed.

#### 1600

I come back to the point where it's incumbent that we take this bill out for public consultation. It's a consultation that not only needs to take place in Toronto but should take place outside Toronto, because in many cases around this province you have non-profit cemeteries. As well, I think we need to think about municipalities that are running cemeteries already. Right now, municipalities could be sitting back thinking, "This could be a very lucrative business for us to get into. If we're running a cemetery, this could be an opportunity for us to help increase revenue to look after the care and maintenance of the cemetery. Why don't we get into the funeral business?" If a municipality chose to do that—a municipality is tax-exempt; it's like a contra account; it's just in and out. They're not going to pay property or business taxes to themselves. Municipalities could potentially be getting into the business of operating funeral homes in direct competition with individuals who have made substantial investments over the years.

There are a number of flaws in this legislation that need to be addressed. In reading the bill, another area that I didn't see addressed and that I think should be addressed in legislation is the whole question of indigent burials. Every cemetery in this province has ensured that if an individual passes away they're going to receive a dignified burial. In conjunction with the province—it should be increased; I think they're only allocating about \$2,600 to an indigent burial—a cemetery has always provided a grave space. We've ensured that an individual receives the same rights and benefits that any other individual has. Cemeteries have provided those grave spaces since time immemorial.



But there are challenges that cemeteries are facing now, and I think it's incumbent on the government to not allow this to be dealt with in individual cemetery bylaws; it should be incorporated in this legislation. One of the challenges that cemeteries are facing right now is that they have always provided a grave space free of charge for an indigent burial; they've never asked for a cent. But some cemeteries are now facing a challenge where individuals, for whatever reason, because of their financial situation have been buried with indigent burial fees. Some family members are coming to the cemetery now and asking to construct a monument. Cemeteries are saying that their bylaws state they can't allow them to put up a monument unless they own the plot. They don't technically own the plot. The plot has been provided for a family. I would like to see included somewhere in this legislation clarification given to cemeteries, so that when they provide this most important service of indigent burials, cemeteries know clearly what rules they're playing by.

As I said in the beginning, there are many positive things in this bill; there are a lot of good things. But I think there are some areas that we do have some grave concerns about, and I would ask that this government undertake good, open, public consultations to ensure that this is a piece of legislation that truly does meet the needs of everybody involved in the bereavement sector.

**The Deputy Speaker:** Comments and questions?

**Ms Shelley Martel (Nickel Belt):** As I sat here and listened, this debate made me feel old. I look around at who is in the chamber today and recognize that I am the only member who was here the last time this Legislature dealt with cemeteries and funeral services. I think that was in 1988.

As I listen to the member for Elgin-Middlesex-London, I'm hearing some of those arguments again. But what's interesting is that they sound like some of the arguments I was making, and the proponents of the bill at the time were the Liberals. I've got to go back and check Hansard on this, because I certainly remember some debate and concerns that I raised about not permitting funeral homes to sell monuments, for example, to deal with the whole issue of monopoly. We're going to go back and have a look at Hansard and see where some of these things fell. That's how long ago it is since we last dealt with this.

Some of the arguments are very much the same. That's not to be critical of the member; I'm not trying to do that. I hope he doesn't take that the wrong way. All I'm saying is that some of the arguments are very much the same in terms of worrying about big corporate owners and how they can take over some of the small family-operated cemeteries or monument services.

It is true we should have some more public hearings on this bill. I look at one of the Alerts that went out from AMO to all its members on November 21. The Alert that went out made it very clear that in fact the municipal members of the Bereavement Sector Advisory Committee feel there were not unanimous recommendations

and that there was not the full support the minister might have us believe for the provision. They made it very clear that AMO itself would be requesting changes to the bill, but they also make it very clear that they have asked the minister for public hearings and hope that will take place.

The municipalities aren't the only ones who have concerns with the final product. The faith communities do as well, and that's why we need the public hearings.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I appreciate the comments of the member for Elgin-Middlesex-London, though I think he needs a little bit of enlightenment in terms of what's really happening, to help him along. One of the issues he was addressing was selling a plot, in terms of what the legislation deals with.

The legislation responds to consumers' concerns about the value they are getting for the cemetery plot. Right now the law says a cemetery must pay you the same price for the plot in current dollars as you paid 5, 10 or 20 years ago when you purchased the plot. We are proposing to allow consumers to sell their plot back to cemeteries at fair market value. This will not hurt cemeteries, because they can resell the plot at the current value of the plot, or they can choose to hold on to it and sell it down the road. As to what the member is suggesting, or needs further explanation of, I think I have provided that to him in terms of the selling of a plot, with respect to a cemetery plot.

The member also suggested this legislation is bad for small and rural cemeteries. We will be setting a minimum threshold for cemeteries that perform a small number of ceremonies each year. This will be done in regulation after we've had a chance to consult with the industry to determine the right threshold. Cemeteries that fall under the threshold will of course be subject to the exemptions. So my comments relate to the selling of a cemetery plot. They also relate to the member's concerns with respect to small and rural cemeteries. I am confident the legislation and the regulation will address that.

**Mr Michael A. Brown (Algoma-Manitowlin):** The first thing I would like to say is that I appreciate the very strong intervention by my colleague from Elgin-Middlesex-London. He brings some real thoughtfulness to this debate, which comes from his municipal experience with the good folks in the St Thomas area and in Elgin county, and the very real problems small rural cemeteries in smaller communities are going to face as they try to deal with this bill.

I come from an experience that is in some ways very similar in terms of representing small-town and rural Ontario. As Mr Peters would know, mine would be even more rural than his in many ways. We have many small cemeteries that will have a great deal of difficulty meeting the regulations we see before us. As I was listening to one member speak to this, they were talking about cemeteries with only maybe two dozen interments in a year. I was trying to think of a cemetery that would have that many in my part of the world. They really don't exist.

With this bill, the essence of which is to combine cemetery and funeral home operations, on the cemetery

side of this bill they're going to find it very difficult to meet the regulations at a cost-effective price. I don't believe, in many cases, that it can be done. I believe that many small volunteer cemeteries that are maintained are having difficulty even today, as the people who look after them are finding fewer and fewer people to pass the torch to, and these small community cemeteries are going to find, under this particular bill, more difficult—not less—problems with maintaining their cemeteries.

1610

**Mr Martin:** I also want to commend the member for Elgin-Middlesex-London for a fine speech. I thought he laid out the concern that we have over here very clearly, among a number of concerns, around the question of creating big monopolies now in Ontario that will deliver almost everything under the heading of "bereavement services" and not contribute at all to the furthering of a very healthy small business sector that will always be needed in communities, unfortunately, competing with each other and providing opportunity for local economic development and jobs and contributing to local community economic development. That's our concern here, given the track record of the government side in moving forward very aggressively the agenda of rather large corporations and businesses to the detriment of almost everybody else, including small businesses.

I know the work that I did on trying to regulate franchising in the province gave me certainly an eye-opener for big business coming in and taking over many small, local opportunities for people to sell goods, do their business, support the local economy and how the big corporation then comes in and detracts from that by sourcing everything from outside and giving less and less control to local, small, family-owned operations and therefore taking away from that community some of the contribution that the bereavement services industry can bring. So we have concerns about that, and we'll be putting them on the record as we intervene and as the member did earlier here this afternoon.

**The Deputy Speaker:** The member for Elgin-Middlesex-London has two minutes to respond.

**Mr Peters:** I want to thank the members from Nickel Belt, Barrie-Simcoe-Bradford, Algoma-Manitoulin and Sault Ste Marie for their comments. I want to just touch on some of the comments of the member for Barrie-Simcoe-Bradford.

I'm going to use the St Thomas Cemetery Co as an example. The St Thomas Cemetery Co has about 26 acres of land. There have been 22,000 interments in that cemetery since 1850, but there are thousands and thousands of vacant graves. There's never going to be a shortage in that cemetery for a vacant grave, or a need for a grave.

Let's use for an example 10 people who 10 years ago paid \$100 for a plot, and now that plot today is worth \$500. Those 10 people come forward to the cemetery; it's now \$5,000. The cemetery company is going to have to find \$4,000 to refund those individuals. Four thousand dollars in the grand scheme of things to individuals in

this room may not be a lot of money, but I can tell you, having served on that St Thomas Cemetery board for probably close to 13 years, that \$4,000 could be an extreme hardship for that cemetery.

That's why I think there needs to be a serious look taken at section 47 of the resale of rights and in particular this area of refund, because this could put a serious, serious financial burden on a lot of cemeteries. I could think of some rural cemeteries that were selling cemetery plots at \$25 apiece. Those plots now could be worth \$250 or \$500. Again, this could have some serious financial repercussions on rural cemeteries, so I think we need to ensure that this bill goes to public hearings, as has been pointed out. I think we need to listen to the bereavement sector. We need to listen to others out there to ensure that this truly is a 21st-century piece of legislation.

**The Deputy Speaker:** Further debate?

**Mr Gerry Martiniuk (Cambridge):** I'm pleased to be here today to speak in support of the proposed Funeral, Burial and Cremation Services Act, 2002, being Bill 209.

If I may, first, there has been some discussion up to now about solicitation, and the use of telephone solicitation in particular, in regard to funeral and burial services. I'd point out to the members that in section 29 of the proposed bill, subsection (1) states that "No licensee or other person shall contact, by telephone or in person, a person for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service." That's basically an absolute prohibition.

The act goes on in subsection 29(2) to deal with vulnerable persons, which we all should be concerned with. It states that "No licensee or other person shall contact, by any means, a person in a hospital, nursing home, home for the aged, hospice or such other institution as may be prescribed for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service." I believe that section does provide the protection to the public that is necessary under these most difficult of circumstances.

This proposed legislation deals with some of the most important purchases that consumers will ever make. Such purchases are often difficult for most persons because of their personal grief at the time a loved one dies. In spite of their personal grief, people want to do what is best to ensure a sense of closure for family and friends. Psychologists tell us that if we believe we have made the appropriate decisions about funeral arrangements when a loved one dies, it can begin the healing process.

Many people read the words "most expensive" into their concept of what represents an appropriate funeral. Aside from very simple funerals, bereavement care is in fact expensive. An average funeral costs more than \$5,000 in Ontario.

Under the government's proposed legislation, consumers would have more information about the range of services and their prices. For example, funeral homes, transfer services and cemeteries in Ontario already offer



lists of the services they provide and their costs, but the new proposed legislation would allow for regulations requiring standardized lists from all operators so that the person who is deciding which services are appropriate could better compare what is available in the marketplace. The proposed legislation would also provide for regulations allowing consumers to receive a brochure available at service suppliers across Ontario giving them a toll-free number they could call for information about bereavement services.

Given the emotional state of most people at the time they must plan a funeral and their desire to do their best for family and friends, comparing prices may appear to them crass or even unnecessary, but their decisions can greatly affect their family's financial as well as emotional well-being. The cost of a casket can range from \$300 to \$30,000, although most fall at the lower end of this range. Traditional funerals involve quite a number of services that most people forget about when they are making plans unless they are specifically spelled out. For example, typical funeral home services or a traditional service may include securing and recording vital statistics for death certificates and permits; a basic professional service charge; transfer of remains to the funeral home; the use of the funeral home's facilities, which might include a facility for a service, visitation, a reception area and a parking lot; embalming and cosmetic services; a casket, cremation urn or other container; pastoral and music services; funeral vehicles; arrangement for flowers and newspaper notices; and all before consumers have even considered a cemetery plot or marker.

Other decisions include whether they should opt for cremation and whether a burial plot or columbarium would be more appropriate. There is a lot to think about, and the consumer will have very little time to give close consideration before choices will have to be made.

1620

As with all participants in the sector, a funeral home must be highly professional and well-organized to be able to deal with new clients on a moment's notice. They must meet needs that may vary considerably from one consumer to the next and deal with sensitivity to grief in an atmosphere of dignity.

Under the current regulatory regime, to be licensed in Ontario funeral establishments and transfer services must file a pre-licensing information sheet with the Board of Funeral Services, along with architectural drawings and a five-year business plan. The information sheet must be filed again every five years after licensing. In addition, the applicant must complete a number of other tasks. These include providing contracts, price lists and advertising; disclosing trust accounts held by the establishment; submitting proof of compliance with local zoning bylaws; sending copies of articles of incorporation; and undergoing a Board of Funeral Services inspection and a public health inspection.

Qualifications of funeral directors are considered to be the nation's highest in Ontario. The Board of Funeral Services may require someone wishing to enter the

licensing program to take the entire funeral services program in one of two board-approved facilities, to serve an internship in Ontario and to successfully complete a written assessment of funeral service topics, depending on the applicability of the person's background.

The high calibre of Ontario funeral professionals is demonstrated by the relatively small number of investigations carried out as a result of complaints from the public or other professionals each year. On average, 20 to 30 investigations result from complaints made annually and most are resolved by an inspector working together with the parties involved. The most serious complaints are dealt with by the Board of Funeral Services discipline committee. Complaints against funeral directors are published in an industry publication, along with suggestions on how similar problems can be prevented in the future.

Licenses under the Board of Funeral Services are also required to pay into a compensation fund established to provide protection for consumers who prepay funeral expenses. More than \$1.7 million is currently held in reserve through this consumer protection initiative to provide compensation in cases where, for whatever reason, the consumer is unable to receive the services or products they have purchased. A long-term commitment to providing quality services among funeral services in the province has influenced Ontario's direction in terms of improving consumer protection for all participants in the province's bereavement services sector.

Two of the major thrusts that would carry throughout the sector under the Funeral, Burial and Cremation Services Act, 2002, are codes of ethics for practitioners and the establishment of a compensation fund for all operators. Both have been successfully applied to funeral services for some time without adverse effects on service providers. Consistency and excellence in the provision of consumer protection measures that are fair for consumers and businesses and flexible enough to support the development of new business models in a modern marketplace are the principles on which Ontario's proposed Funeral, Burial and Cremation Services Act, 2002, was based.

In today's marketplace, consumers' demand for the availability of simple and alternative funeral services, as well as their demand for a wider range of services to be made available without involving a number of suppliers, compel the government to act. The proposed legislation would allow for combinations of items and services to be made available by service providers. This is a trend across Canada and the United States. Most other jurisdictions in both countries already allow for the combination of funeral and cemetery services.

Apart from the benefits of harmonized legislation, the government of Ontario is determined to raise the bar for consumer protection by providing very high standards across the bereavement services sector, including marker and casket retailers, who have never before been regulated.

Regular consultations with consumers and sector participants led to the government's belief that a full review of changes in legislation was needed for con-

sumers and practitioners in the bereavement sector. Key stakeholders from all segments of the bereavement services sector who have a full grasp of the range of consumer and service provider challenges provided invaluable information and advice to the Ontario government as it proceeded to work toward new legislation for the bereavement sector.

In 1998, the then Minister of Consumer and Business Services, the Honourable David Tsubouchi, became convinced of the need for a detailed consultation on the important issues that affect consumer groups and stakeholders in this sector. The minister asked the Red Tape Commission to meet with stakeholders and to suggest ways to ensure that Ontario's standards and regulatory framework were current and relevant to the marketplace. The Red Tape Commission developed a voluntary working group consisting of two members of the RTC, along with consumers and service providers, which met periodically from autumn 1998 through the spring of 1999 to look at the issues critical to the sector and to consumers. In February 2001, the Red Tape Commission issued a confidential report to Minister Bob Runnicman, who had then assumed the consumer portfolio.

The interests of stakeholders, who included profit as well as not-for-profit, charitable, religious and municipal organizations, and who ranged from large corporations to one-person facilities, are diverse. While most shared the government's view that the legislation should be updated to provide greater advantages to consumers and service providers, there was little consensus as to the direction that the legislation should take.

1630

The Honourable George Adams, QC, was requested by the minister to meet with stakeholders to seek consensus among them. In February 2001, he met individually with industry and consumer representatives. A significant pre-consultative period provided background on the concerns of individual groups and a basis for establishing an agenda of the meetings. The Honourable George Adams' conclusion that an extensive two-day session to discuss central areas of interest should be scheduled was reported to the new minister, the Honourable Norm Sterling, who strongly supported the plan.

Following two days of meetings in March 2001, the Adams report was forwarded to Minister Sterling, who released it to participants in the mediation and facilitation session on May 31, 2001. Minister Sterling explained in a letter to the participants that he planned to convene a Bereavement Sector Advisory Committee and invited them to take part to advise the government on matters of interest to the sector and to consumers.

The role of the committee was to provide a forum for exchange of views, developing concrete options dealing with four areas: methods to strengthen consumer protection, measures to foster a level playing field for industry participants, options to create a single regulatory regime and clear rules setting out the conditions under which the combined ownership of funeral and cemetery operations would be permitted.

The committee's advice, achieved through consensus, was offered in these four areas in a report to the minister on November 23, 2001:

(1) Methods to strengthen consumer protection: 18 consumer protection measures were proposed ranging from the development of codes of ethics to full disclosure of the ownership of a service provider.

(2) Measures to foster a level playing field for industry participants required practitioner and facility licensing for all components of the sector with the qualifications linked directly to the services provided, and would ensure a level playing field for service providers who wished to expand on their service offerings.

(3) Options to create a single regulatory regime: participants agreed with the government that combining the two current bereavement sector statutes would create a legislative framework that would make it easier for consumers and businesses alike to understand and follow.

(4) Clear rules for setting out the conditions under which combinations would be permitted: recommendations included the introduction of education, ethics and standards programs throughout all parts of the sector to ensure consumers would be able to compare services effectively.

Where does the notion of what should be included in education ethics and standard programs come from? Much of it comes from the experience of Ontario's board of funeral services. In the case of funeral directors, a full academic program must be pursued, including a 12-month internship sponsored by a licensed funeral director and board exams.

Even to apply to become a funeral director in Ontario, a funeral director must meet quite specific admission requirements, including a grade 12 diploma or equivalent, a tax-based period of observation or training at a funeral home, pre-admission testing, a recent health certificate and a valid driver's licence.

If the proposed legislation is passed, the government believes that at the end of the day, consumers will know that despite their personal grief, they have done what is best to provide a sense of closure for friends and family and started their own healing process after suffering a loss with the help of a responsible and responsive Ontario bereavement sector.

**The Deputy Speaker:** Comments and questions?

**Mr Peters:** The honourable member from Cambridge used a term over and over in his speech; he talked about levelling the playing field. My concern with this legislation is that it is not levelling the playing field. The potential of this legislation to hurt funeral homes, like Cardinal Funeral Homes or Newediuk Funeral Homes here in Toronto, is there. The potential is there to hurt some of these individuals who have invested thousands of dollars in their establishments. The playing field, I'm afraid, is going to be tilted by allowing cemeteries to create monopolies for one-stop services. To me that isn't a level playing field.

The honourable member talked about consultations with the stakeholder groups. But when stakeholder



groups call you up, whether it be the Central Ontario Funeral Directors Association or the Association of Municipalities of Ontario, it's obvious that there hasn't been a thorough consultation taken in the development of this legislation. I would hope, if a piece of legislation is going to be brought before us here, that there will be that good, open consultation and that the government is going to ensure that it is the best piece of legislation possible. The best legislation is not only going to meet the needs of the consumers, but it's going to ensure that those individuals who have invested in the bereavement industry are afforded some protection. I'm afraid there are individuals who are going to be hurt as a result of this legislation, and that we are going to see large operations created in cemeteries around this province. If we want to have a level playing field, why not pull that provision out of this bill? Let's keep it the way it is right now. We've got a private sector group that is prepared to look after the needs and we've got cemeteries that are prepared to look after the needs. Why mix the two?

**Ms Martel:** In the last rotation I talked about some of the concerns that AMO had, which really reiterated why we need some public hearings. In this round I would give some perspective from one of the faith communities that was involved in some of these consultations that still continues to believe that there are concerns that have not been dealt with, particularly concerns they have that need to be dealt with before this bill is passed.

We received some information on November 22 from Harry Huskins, who represents the Anglican Church of Canada, that said the following: "On Wednesday morning, November 20," the same day the bill was introduced, "a faith communities delegation met with the minister and the senior policy advisers before" the bill was introduced.

"We told" him "that we supported the intention" of the legislation, "but have concerns about the board of a new authority making decisions that would have inadvertent consequences for religious communities." Here are some of the concerns: "the imposition of new charges, fees or levies for our small congregations, mosques, synagogues and parishes;" second, "the imposition of new administrative burdens or personnel qualification requirements on the volunteers who are now doing the paperwork in these small places;" and third, concerns about "any provision which would lead to new property taxation."

They also raised concerns about costs, saying very clearly that whether those costs are the result of new taxation or the result of a need for a self-financing authority to raise revenues, many of the small operations they deal with that barely make their budget from year to year now would feel forced to use the abandonment provision and transfer their cemeteries to local municipalities. What is the sense of that, if we force these faith communities to abandon cemeteries because they can't afford some of the costs that will come from the new authority? I just say to the government, look, you've got concerns from municipalities, you've got serious concerns raised by faith communities; why doesn't someone

from the government stand up and say, "We're going to have some public hearings to deal with these concerns"?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I'd like to commend my colleague from Cambridge for his contribution to this debate. His presentation was incredibly well researched, as it normally is with that member. The member mentioned the whole issue of door-to-door sales. That's something with which I would have a tremendous concern, that you would have folks marketing in this way. I'm pleased, as I know that members on both sides of the House, including the official opposition, will want to note that section 29(1) of the bill says, "No licensee or other person shall contact, by telephone or in person, a person for the purpose of soliciting the making of, or negotiating, a contract for the sale or provision of a licensed supply or service." For this type of really vulnerable group, for this type of sensitive issue, I certainly am supportive of that and I want to commend the member for raising that point.

**1640**

I'd also like to mention that the bill does contain some pretty specific provisions with respect to a practice that is quite negatively known as ambulance chasing—and the member opposite raised this. To contact someone at a particularly vulnerable stage, whether they're in a hospital, at a nursing home or in receipt of palliative care, I think would be unconscionable. I am pleased that section 29(2) of the bill provides some really strong consumer protection. I know that is important.

I'd like to commend the member for Cambridge for his thoughtful remarks on this issue. I look forward to more debate on it. I'd like to congratulate Tim Hudak, the minister, for finally tackling what is a difficult issue. There are a lot of sensitive issues involved here and he has had the courage to do that. I'd also like to congratulate Jon Clancy for his work on this important piece of legislation.

**Mr Brown:** I was hoping that when a minister of the crown stood up, he would have done what the Minister of Transportation did a couple of days ago in this debate when he committed to full public hearings on this bill. That is something the opposition has hoped for. We were hoping we could deal with this in a non-partisan way so that we could understand what the various sectors of this so-called industry are saying.

I would like to remind members, as the member from Cambridge pointed out, that funeral directors in this province dealt with about 83,000 services last year. Of those, there were only consumer complaints in 13. So I think the funeral directors of this province could be fairly said to be well regulated and practising with a high degree of ethics.

In my constituency we have small rural funeral directors, we have family funeral directors. We have the Gilmartins in Wawa and Chapleau, the Beggs family in Thessalon, the Menards of Blind River and Elliot Lake, Jamie Bourcier and his family in Espanola, Gloria Dickson and her family in Little Current, and the Culgins

in Gore Bay. They provide a first-class, understanding, empathetic service to those families.

I want the ministers to understand that this is about combinations. This is about big business entering in an even larger way into this industry. That is what you're permitting.

While the minister just talked about the section prohibiting solicitation, what we want to know is, are they prohibiting commission sales? Having commission sales in this industry is impossible in the protection of the public interest. It should not happen, because if there are commission sales, they will find ways to solicit, Minister.

**The Deputy Speaker:** The member for Cambridge has two minutes to respond.

**Mr Martiniuk:** I'd like to thank the members for Elgin-Middlesex-London, Nickel Belt, Nepean-Carleton—the Minister of Energy—and Algoma-Manitoulin for their comments in regard to this bill.

I dealt at some length in my address with the prolonged history. This act follows a very rare commodity in this day: a consensus recommendation by the industry and consumers after what I would consider prolonged and intensive consultation of all stakeholders. I'm very pleased that a bill of this kind on a very difficult topic could result in a consensus.

**The Deputy Speaker:** Further debate?

**Mr Sergio:** I'd like to continue with the debate on Bill 209, with respect to the so-called strengthening of the provisions of funeral homes and the services that are being provided by funeral homes. Bill 209 in itself says that this is "An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes." There are a number of things that the bill envisages to do. How well the bill is going to do them is another story. Let me say at the outset that I don't want to be seen as ranting and raving against the bill because I'm in total opposition to it. I want to very objectively go through some or most of the content of the bill in the time I have and point out some of the concerns I have with the content of the bill.

In the way it has been presented, it envisages doing two very particular things. One is to strengthen consumer protection, and of course we are all in favour of consumer protection in the bereavement services business or the funeral services business. The other one is something else, but still it is connected to the business itself, and we call it standards, ethics. Of course, who wouldn't be supportive of providing better standards in that service, especially in this particular sector? I don't have to tell you it's not only at that time that it is very sensitive. The entire funeral services—provisions and standards and protection—is a sensitive business itself. So if the bill envisages doing exactly those things, then I think it would be in the best interest of the general public, the consumers, to make sure that the bill does exactly that.

How can we be assured of that? We have heard the minister and some other members saying this is the best in 100 years. We would like to make sure of that. If that is the case, then the minister, I'm sure, has absolutely no

problem making sure we have some time allocated for public hearings so that we can go to the public, to those agencies, individuals and businesses that deal with the bereavement industry, to those that have an interest, and to the public in general. Because in that situation, it is not that we are dealing solely with a human body, a person who just passed away; we are dealing with a number of other concerns, but especially the family and those who are close to that family. We are concerned with both the person who just died and the ones who are still living who have to deal with the details and whatever that entails.

There are some issues I want to address. Quite a bit is left out of the legislation that I believe the public still has concern about. If we, as legislators, don't want it to be seen that this piece of legislation is being driven by the corporations out there, by those that are in the business in a big way, and it is a big business, then we owe it to the public to assure them that this legislation is not out there because it's been driven by those corporations with big interests and that this piece of legislation creates a very level playing field.

I believe there are areas in this legislation that do not create that level playing field. If we don't want to be seen as interfering with that idea, then again, we have another reason why we should go to the public and make sure those individuals, those agencies, those that have an interest will have their say. I'm sure that the government—the Premier, the minister, the members from the government—are interested in making sure that everyone has a good understanding of what the bill entails.

1650

With respect to creating more solid, greater protection so that we don't create a monopoly, I think this is extremely important, and I think based on that solely, because there is some apprehension out there that the way it is now the bill eventually will create exactly that: a monopoly. But it's not then that we have to deal with this monopoly; it is now. We have to deal with it now. I see the need, and I ask the minister that this bill go to committee for public hearings. No one, the government or the opposition here, can be seen not to offer the protection this particular type of business offers to the public.

Yes, I think it is great that we license those operators. I think it's good the public knows that they are dealing with people who have some regulations, ethics and standards. As the legislation here says, those who sell caskets should be licensed, of course; the headstone people should be licensed. But at the same time as we demand more protection for the consumer, we should see that we offer protection on both ends. At the time that one of the services is required, there isn't sufficient time to really delve into every detail. But at the same time we have to be very much aware that by passing the legislation the way it is, we are not going to damage the small business industry which provides a tremendous service to the entire province as a service industry: creating jobs, maintaining the existing positions and



offering a service that is competent to the general public, and, at the same time, affordable.

Are we nibbling at this particular type of business now? It may very well be that by approving the legislation the way it's been presented, we are going to readdress those services to a particular location, and eventually control that market. Why do I say that? Included in the legislation as it is now, if the legislation of course will pass, cemeteries will be allowed to get a licence as funeral homes. What does that mean? The funeral home as we now know it may be or will be bypassed and they will be going directly to a cemetery. Of course, they will have so-called visitation centres as well; of course, they may be selling the headstones; of course, they will be selling caskets—all of them.

Is this increasing protection for the general public, for consumers? Does this mean that we will see a decrease in the general cost of the funeral service itself, or the cost of those items? I have a hunch that the opposite will happen. Why do I have this hunch? Because I am not satisfied, with the content of the legislation as it has been presented, that we are being objective on both sides and we are offering the general public and the consumer that particular choice.

Why do I say that? I mentioned to the minister, I believe, when he introduced the legislation a few days ago, that back in March 2000 I introduced a very similar bill, but my bill, I have to say, was dealing mainly with some changes to the Funeral Directors and Establishments Act. Why? By the way, this went to first and second reading. When I mentioned that to the minister, he said, "You know what? I am addressing those concerns that you had expressed in your bill, Bill 54, back in March and April 2000."

Let me say this. Today I had a very nice conversation with a person who evidently is very knowledgeable and who has an interest in this general business. Whether he was representing himself totally, or some cemeteries, some organization or agency, a lobby group, I have no idea, but he came to see me and said, "Let's see what your concern is with respect to Bill 209." The main concern was with respect to holding funeral services from an unlicensed place or a so-called funeral centre.

I demanded from the minister a clarification of this particular point, because at the time of bereavement, people—the public, the consumer—should not be burdened with the problem of finding out if this is a funeral home, a funeral centre or what have you. I think we have to be clear. The legislation does not address that. I can't find it here in the legislation. If it is somewhere else, then I'll be more than happy to say that my major concern has been addressed. I'm still waiting to hear from the minister's office. They wanted to meet with me to discuss the major concern I have with this particular bill, and I have to say that I'm still waiting. I'll be very happy to meet with the minister's staff, and if they can appease me and everybody else with respect to that, I think we are going a long way to making sure that indeed the bill is much better than what it seems to be.

Why is that such an important point? When I introduced Bill 54, it stemmed from the fact that a human body was prepared in a licensed funeral home; then it was transferred. The bill here speaks of transfer operators in not very much detail. The body was transported to one of these funeral centres. This funeral centre at the same time was selling caskets. So indeed, prior to having a human body there, this was a store, if you will. It was a funeral centre selling caskets. But it originally had called itself a funeral home. Well, it was not a funeral home. It was a funeral centre, unlicensed, operating, without the facilities of a funeral home, as a funeral home. This was brought to my attention, and that's when the bill was introduced.

As I said, I cannot get a clear answer. Bill 209, the way it has been presented by the minister, will do just that: it will allow a human body to be prepared in a funeral home, then transported somewhere else for visitation, and that's where the funeral services will be taking place a day or two later. This is what I'm trying to avoid. This is what I'm trying to pinpoint to the minister, and this is the concern of a lot of people. If we allow this to happen, if this legislation will allow that, we will see residential neighbourhoods suffering horrendous traffic that at the moment is prohibited. Furthermore, we will see what we may call franchised funeral centres. Why shouldn't they? Unless I am told otherwise, this is what will be happening.

#### 1700

I should tell you, Mr Speaker, and perhaps you know—I shouldn't say, "I should tell you"; pardon me—that any commercial location allows for a store, a funeral centre, a funeral parlour to sell caskets, since it is a commercial venue. Isn't it nice that a particular location that may be abutting a residential community all of a sudden says, "I don't prepare the body here. I have no facilities to prepare the body here. This is strictly a visitation centre"? This is the problem, and I cannot get a straight answer from the minister or the government. This is not what they want, this is not what I want and it's not in this piece of legislation. It is a major concern. As I said at the outset: providing better support—absolutely; providing more protection—absolutely.

Another area where I have some concern—I've had some calls, and there is genuine concern—is the 30-day cooling-off period. If you don't like a particular headstone—I think we're too late for a casket at that stage. With respect to making a decision if you want an expensive casket or not, if you want it in wood, if you want it in steel, I think that is a very quick decision, and of course it is between the salespeople at the funeral centre and the family members to decide on that. That is something that will be decided very quickly.

Where we have a problem is with respect to other services. If you make a contract for a headstone, you have to decide what the amount will be, and you may come back 10, 15 or 20 days later and say, "Do you know what? I've changed my mind." But maybe the headstone is ready. What are we going to do in that

respect? We may have a small operator who has been in business for a long time and never had a problem, but all of a sudden he is faced with stiff competition from a large cemetery where they are offering headstone services, funeral services and the sale of caskets. I have some concern with that as well.

I think the legislation needs to be cleaned up; it needs to be tightened. It needs to provide assurance, not only to consumers, as I said, but also to those who provide services to consumers. I think they are entitled to some clarification. They are entitled to some protection as well. We owe it to them.

I'm saying to the minister, please take a look at my bill, Bill 54, see the content and make sure this particular concern is addressed, because I don't see it being addressed in the bill as it is here. Only then, once we have sent this bill for a good public hearing, can we come back and say, "Everything has indeed been addressed. Let's send it forward," and the bill should pass.

**The Deputy Speaker:** Comments and questions?

**Ms Martel:** I want to thank the member for York West for the comments he made.

It's a good thing we have lots of letters today, because I can read yet one more from people who are watching this legislation and who frankly are telling the government that there are ongoing concerns that reinforce the need for some public hearings on this bill. I gather as I listen to my Liberal colleagues that the Minister of Transportation mentioned this briefly in passing, in a two-minute response two days ago, and we haven't heard from the government since. So I'm hoping that at some point during the debate today the government is going to indicate that in fact there will be some public hearings.

I talked to you about the municipal Alert and the conversations that we've had with some of the faith communities, but it's interesting that a letter also went on September 20, 2002, to Tim Hudak, the minister responsible for this legislation, from a Miss Melanie Currie, who is a policy analyst for the Canadian Federation of Independent Business. Lo and behold, the CFIB is also now telling the government, or maybe they're still telling the government, that they have ongoing concerns about this legislation, which I think would warrant some public hearings.

As she said in this September 20 letter to the minister, they "appreciated the opportunity to participate over the last 19 months in the Bereavement Sector Advisory Committee," and they did so on behalf of members who are the independents in that sector. She also says that they have "advocated consistently in support of a framework that will enhance fair competition in the industry, including the choice of independent service providers and open, honest communications from all players." She notes that they reviewed the draft legislation on August 30 and, "Our reading of the legislation is that there are areas where it does not respect the agreement of principles" put forth by the committee to Mr Hudak's predecessor on November 23. "As a consequence, we worry [about] the future viability of independent operations in

the bereavement sector...." So yet another reason why we do need some public hearings.

**Hon Mr Baird:** I listened with great interest to my colleague from York West and his comments on this bill, as I did when he made the response for the official opposition the day it was introduced.

As I recall, his bill—it was in June 2000, I believe—dealt with the whole issue of visitation centres with respect to the broader area of funeral services. I think the bill that we are debating today very much supports the general intent of that area which he brought forward. It provides for rites in cemeteries, provided an establishment meets some very specific licensing requirements, which I think is good news. The bill brought forward by the hard-working member for Erie-Lincoln, my colleague, puts an end to the current competition that independent-based funeral homes face from these tax-free visitation centres currently established on cemetery land.

I think there are some business people who have made investments—and when I say "investments," these are, by and large, a lot of family operations in various parts of the province, and they should be on a level playing field. I think this bill tries to get us there, some of it immediately and some of it in about five years, as I understand it. But the legislation we are debating today also requires visitation centres to be licensed as a form of funeral establishment, if you will.

Bill 54 also proposed a third category of location, where rites in cemeteries would be held four or fewer times per year. The broad definition of "funeral establishment" used in the government's bill presented by Mr Hudak allows for the creation of classes of such establishments in regulation and leaves room for addressing locations occasionally used for funerals. That's good news for consumers in the province.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):**

I have to congratulate the member for York West for the work that he has done on this bill. He has done the research properly and he knows what he's talking about.

But at the present time, I thought we had a pretty good system in place, because those people who want to become funeral home operators or funeral directors have to take the courses. There are courses available at Humber College here in Toronto, and for francophones there is Collège Boréal in Sudbury. It's a two-year course, and after they have completed the course they have to make sure they are employed by a funeral home operator that is in operation already.

We have been talking about this for many, many years in Canada, I would say, but at the present time, in trying to defeat a system that is really working well, I really wonder what the reason is behind this. I'm anxious to see this bill go to committee. If it does go to committee, we would be able to question the government on the purpose of tabling this bill.

1710

I have to tell you, there's a section that concerns me. The bill preserves certain provisions of the Cemeteries



Act. In my own riding at the present time, in the village of Plantagenet, there is a closed cemetery, a cemetery that used to function and be well managed. All of a sudden, it was not in operation. We called the ministry people because a bulldozer was on it. They moved the stones, and the bones also, but there was no action. I just wonder if the new bill will give us the staff, the resources necessary to follow those infractions that have been occurring.

**Mr Martin:** I want to also commend the member for York West for his comments here this afternoon. I think we're starting to get an interesting flavour presented as the various sides get up and speak on this bill. It's not as clear-cut and simple as one would think at first blush, particularly when we listened to the introduction of the bill by the government, who obviously want it through here quickly so they can get another piece of business done—

**Mr Brown:** Eighty-six pages.

**Mr Martin:** Yes, 86 pages. Get it through here, get it done and move on.

It does, in fact, intrude into an area of public business in communities across this province that has some very real ramifications and concern. We need to look at it very carefully. That's why we, as a caucus, are very clear in our call for public hearings. We want to hear from the various groups that we have letters on behalf of in our offices these days raising concerns from some interesting sectors: the Association of Municipalities of Ontario, lots of faith groups who have concern about this and others. I'll go through just a short list. We have, as I said, the faith groups; independent funeral establishments in urban areas that have some concerns; funeral establishments in rural areas; funeral establishments in medium-sized areas—they're all different, they all have a different area of influence and raise concerns; just funeral establishments in general; the cemeteries, who have some concerns about this and I believe want to come to the table to share some of what they think would be improvements to the act; of course, consumers; casket and market retailers; and municipalities. I think it would behoove the government, as we've said here time and time again, to take the time that's necessary to do this right so that we don't have to do it again.

**The Deputy Speaker:** The member for York West has two minutes to respond.

**Mr Sergio:** I'd like to thank the members from Glengarry-Prescott-Russell, Nickel Belt, Nepean-Carleton and Sault Ste Marie as well.

The comments that I made in addressing my particular bill—which the minister, the member from Nepean-Carleton, mentioned—are on unlicensed funeral homes or funeral centres, if you will. I'm glad he did read my bill, Bill 54, which addresses that particular point. It is with respect to conducting funeral services from an unlicensed place, but only in the absence of a funeral home, a funeral centre or a funeral parlour. It is mandatory to be incorporated to service those isolated areas—I don't want to say that as a slight—such as, let's

say, northern Ontario, where there are sparse populations, where we don't have a funeral home every two miles. I think, and it says so here, that it's being left to the discretion of the Lieutenant Governor in Council, who may make an exemption to service those particular areas, but not in the city of Toronto or any other place within the boundaries of Ontario. That is strictly to give an opportunity to those underserved areas to indeed provide and conduct service from an unlicensed place, and then only by the order of the Lieutenant Governor in Council. So I think it is important, again, that the minister goes back and takes a look at Bill 54 and incorporates those comments.

**The Deputy Speaker:** Further debate.

**Mr Martin:** I look forward to the few minutes I have here this afternoon to put some thoughts on the record on behalf of our caucus re this very important piece of public business.

I'll say right off the bat that it's a piece of legislation that has in it portions that are supportable, that are improvements, that are an evolution of this activity across the province. On the other hand, there are some things that are still creating concern and are problematic for ourselves and a number of groups across the province.

We as a caucus are very clear, and have been from the beginning, in our call for public hearings. I say that because I think it's important that people understand that we've not been having a lot of these public hearings over the last few months and years under this government. Public hearings seem to be anathema to anything that this government decides it wants and needs to do on behalf of the people of the province. Oftentimes, and we've seen it time and time again here, by not going to public hearings, we find ourselves in difficulty. The government jumps through hoops and does backflips to try and change legislation or regulation. It brings bills back here that, had they taken the time to do the public hearings in the first place, had they been willing to listen to the opposition as they made their cogent and intelligent arguments, had they been willing to go out to the people who usually are impacted most directly by the decisions of this government, and had they been willing to listen to amendments and suggestions for change that would have improved the bill, they would not have made the mistakes and created the difficulty and the further work that so often has been required.

I'm saying to them in this instance, please take the time; respect and recognize the very long, thought-out, proven and contributive process of this place to bring bills forward. Listen to the very reasoned, intelligent and researched arguments of the opposition. Be willing then, because of that, to take legislation out for substantial public hearing, not just as we did here a week or so ago. I was brought in from Sault Ste Marie to sit in committee and consider hearings around a budget bill that was substantial in nature and had many parts in it that would affect very directly each and every one of us in Ontario. At that time we had 30 minutes of input, according to the time allocation motion that was brought forward here, for

all three parties to make representation on our behalf, on behalf of those who spoke to us on that very elaborate and extensive piece of public business, and then at 4 o'clock we were right into clause-by-clause consideration. Even that consideration was cut down, shut down, and the clauses then were simply rammed through with a raising of arms and simple votes. Then the bill came back here for third reading, where again there was absolutely no opportunity whatsoever for further debate, simply an up-and-down vote and it was all over.

We're hoping in this instance that the government will have considered the letters and phone calls they've gotten. We have letters on record here from groups as varied as the Ontario Provincial Synod, the Anglican Church of Canada; we've had overtures to us from at least half a dozen major faith groups in the province; and we've had letters that my colleague from Nickel Belt read into the record here this afternoon, just a small sampling of them, from organizations and communities across the province and from the Canadian Federation of Independent Business, which has some concern with this act and this piece of business.

1720

I would think those are a wide enough cross-section, a variety of interests and concerns, and the government should be willing to pay attention and listen to us when we call on them to have public hearings. Some of the faith groups that attended meetings we had in order to understand more fully their concerns were the Roman Catholic Church, the Anglican Church, the Lutheran Church, the Jewish community, the Hindu and Islamic faith communities and the Baptist faith community, among others—and of course the United Church and the Presbyterian Church—which are very important communities across this province, particularly in areas of faith and the support of faith and faith expression by families and individuals across the province, particularly at times when ritual is central and of tremendous essence and where things like the passing away of individuals and family members is concerned. They have some very real concerns about this bill that I'm going to put on the record this afternoon, in the hope that the government will understand that they need to take the time that's necessary to really get their heads around what they're doing here, and if they can't, then to take this bill out for public consultation, to actually travel across the province with the bill, because they will have some time.

We don't need to ram this thing through before December 12, when it's targeted that we will rise for the holiday season. They have lots of time. It was the tradition in this place for many, many years that in the intercession we would take these very important pieces of public business that would call on us to change the way we do things, to change the way we oversee operations in this province, where we try very diligently to be proactive and progressive in the ordering of public business, and go out and listen to folks who can't make it to Queen's Park for all the reasons that's not possible. This piece of legislation affects not only some of the

bigger corporate interests in the bereavement industry, but medium- and small-sized communities and industries that exist and the faith groups that operate there. As well, it affects some very small and rural interests outside Toronto in eastern and western Ontario and, of course, in the far-flung north of the province, where communities are very vital and viable and want to have some control over the management of bereavement services in their communities and want to be sure they're able to provide a first-class experience and support for their constituents, and to do that in a way that's not going to cost them an arm and a leg and that speaks of respect and dignity in the middle of all this.

It's a really important piece of business, and the meetings we had with people about this were really important as well. We took the time to hear and to listen. The groups themselves took the time to write letters and make presentations to the government on this bill. I think the government, in honouring them, in honouring the effort that has been made to shed some light on some of the issues here, should be willing to sit down by way of public hearings and listen to what is being said.

As I said at the outset, there are some things in here that make some sense. It is an evolution; it is a progression, a moving forward. But there are also some fundamental pieces of this legislation that cause some great concern to some very well meaning and honourable folks out there in the business community, in the faith community and in communities themselves who have some concern and want to be heard.

Moving on from there, what is it that we're about here? What is it that we're trying to do? What does this bill purport to change as it moves its way through the process here? Funeral services and cemeteries are currently regulated under separate acts: the Funeral Directors and Establishments Act and the Cemeteries Act respectively, two pieces of the business. The two acts have been in place for years. They currently prevent cemeteries from operating a funeral home. They keep those two levels of service apart, regulated by different arms of government and in different ways.

As well, funeral service operators are prohibited from locating funeral services on cemetery sites. It keeps them separate for very reasoned, thought-out and debated reasons. This isn't the first time we've had this kind of legislation before us. In fact my colleague from Nickel Belt, who has spoken here on a number of occasions this afternoon, tells me that back in 1988 when she was here, the then Liberal government was dealing with a bill of a similar nature. In 1990 when that bill, that piece of legislation, finally passed, it was decided to keep those two pieces of this business separate—I'll go into it in a few minutes—for very legitimate and important reasons. I'm not sure those legitimate and important reasons aren't so today, so we need to be looking at that. We need to be hearing from more people about this.

The government tells us that they have consensus, that they've consulted. We heard the member from Scarborough Centre tell us this afternoon about the very



extensive and intensive consultation that went on before this bill was brought forward. I have to tell you that, as we've found over and over again with this government over the last eight years, they consult with the people they see as important, the people they think have important things to say about the ordering of public business in this province, the people who bring them to the dance: the big corporate interests and the larger industrial sectors of this province, who seem to have their ear more readily than others.

I would suggest that the consultation, however intensive and extensive, wasn't as all-encompassing as I think is needed and as we would like to see. So you'll see that the bill is leaning or shifting or tilting somewhat in a direction that presents to the faith communities, to the Canadian Federation of Independent Business, to the Association of Municipalities of Ontario and to other groups across the province that have some very vested interests. Some community interests, some moral and ethical interests in this act don't quite see it in the same light as the government, and they want to be able to share those thoughts.

We're looking at two very distinct pieces of a very important practice and business in this province, and I say "business" in the broader sense of that. This bill tries to strike a balance, but we suggest it's a precarious balance, among the various constituents involved in the issue. When you start messing around with something that has been under a fairly stable regulation for quite a long time, there are bound to be some very sticky and difficult issues that we need to consider.

As we've said, there need to be considerable committee hearings and public consultations to find out if the legislation we have before us in fact accomplishes what they agreed to in the consultations, as the drafting happened. They can't just ram this one through and hope it works. As I said, that which is agreed to in the consultation, that which they ignored in the consultation, that which they didn't hear in the consultation, needs to be brought to bear here, not to speak of the fact that the government tells us once again not to worry, to be happy, that a lot of what's going to happen in this area is going to be in the regulations, is going to become more obvious and clear as they develop the regulations.

They suggest they're going to consult widely and broadly there. If the consultation they have done in preparing this bill is any indication as to the kind of consultation they're going to enter into after the bill is passed and they're considering the regulation, and if their track record here in terms of consultations—I was telling you a few minutes ago of the half-hour we had with regard to the budget bill—then we're very nervous, to say the least. We're anxious about that and we want to make sure the government understands that we need these public consultations.

1730

The government has avoided some of the bumps in the road that we think are there—they obviously haven't identified them by way of their presentations here on this

bill this afternoon—that I think we need to look at, by in fact saying that they're going to shift that over and deal with those bumps when they develop the regulation. There are so many details left to the regulations that most groups involved in the process are in fact reserving judgment; they're waiting. Where we've heard from a number of groups, and a number of their concerns have been put on the record here this afternoon, there are even further groups out there who haven't yet brought forward their concerns at all. They're waiting, in fact, to see what is put out there by way of the regulations. We're saying to them that they ought to be careful because, once the bill is passed, it's much simpler and easier to move the regulation through because you don't need to bring it back here. The government can just go ahead by order in council and make the changes and decisions they want.

Given this government's propensity for pandering to big business, it wouldn't surprise us if the regulations were heavily tilted in favour of the corporate chops. As a matter of fact, my colleague Mr Kormos for Niagara Centre, responding and speaking in a CP story about this bill just a few days ago, November 21, had this to say: "Permitting funeral home operators to be involved with the private commercial cemetery operators is an entry point for large corporate operations. In our view"—that's the New Democratic caucus view—"that may pose a significant threat to the future of the family-operated funeral homes" in the province. Any of us who represent communities, and we all do, know of the very important role that family-operated funeral homes have in communities where death and bereavement is concerned. The involvement of those establishments in the overall fabric of the community is not to be underestimated. If allowing the big corporate interest in this sense, as Mr Kormos has said, a foot in the door to begin to take over more and more of those family-run funeral homes is where we're going, then I have to tell you I'm very worried, particularly when I consider the work I've done in trying to regulate the franchise industry in this province over the last couple of years.

The resistance that I got from organizations representing the franchiser, mostly the big American corporate sector that has come into Ontario, up until I got my bill passed, and the very little regulation that is now in place—they saw Ontario as the Wild West of franchising. I suggest to you that we may be opening a Pandora's box here, where bereavement services are concerned, for yet further large, mostly American, corporations to come in and take over our funeral businesses as well. I don't think that's helpful.

I'm in direct, exact agreement with the Canadian Federation of Independent Business. It's interesting, because the Canadian Federation of Independent Business is not a group that always supports New Democrats in this place and across the province. We have some very opposite views on a number of issues, one of them being the importance of and contribution that the labour movement makes to the quality of life and the level of safety and good workplaces that we enjoy in this prov-

ince, the contributions that unions make there. But in the instance of my effort to regulate the franchising industry in this province, they were onside with me, saying that we need to protect the small mom-and-pop local businesses across this province because of the, in one sense, very negative impact of the bigger corporate sector coming in and taking over everything and the effect that has on local economies. When you begin to source almost everything from outside the community, even bring it from outside the country, you take away opportunity for local small business folks to operate, to contribute, to participate, to take advantage of the skill and the gift and the training they've invested in themselves. You lose that, and I don't think we're well served in that.

The same thing with the funeral industry: if we begin to put everything into one box here, and by doing that we create an opening for the large corporate sector to move in and take over if they want to—they don't need any help. I say as well to the government and to you, Speaker: these big corporate interests don't need our help; they're very well able to do all this on their own. What we need to do is look at this legislation that's before us today. We should be asking, in trying to move this industry into the 21st century and having it evolve to do some of the good things that are in this bill by way of setting standards and allowing consumer choice and making that easier for them, how we can do that while at the same time protecting the interests of the small business sector in our province. How can we do that while protecting the interests of the faith groups who have for so long, by virtue of their blood, sweat and tears, their volunteer hours, the little bit of resource they have had to invest in parts of this industry? How to we protect their interests and their investment and their future involvement in this business?

That's what we should be asking. That's where we should be focusing our attention more than trying to create opportunity by way of amalgamations and bringing together disparate activity out there that has worked relatively well over a long period of time, so that these big corporate interests can come in and begin to control more and more of this activity and push more and more of these folks out to the fringes so they no longer have any real say.

We are suggesting, for example, that the overseeing board, which will make decisions regarding this industry, has on it much more than simply representation from those large vested interests but some voice from the faith community, some voice from the independent, small, family-owned funeral services etc.

Having said that, what's in this bill? Well, this bill replaces two previous pieces of legislation—I've said this before, but I think it needs to be said again, so that people understand—the Funeral Directors and Establishments Act and the Cemeteries Act after a period of transition while the two sectors are combined. The bill integrates the already regulated sectors—funerals, transfer services and cemeteries—with casket and marker retailers, which

are newly regulated under this act. We have no difficulty with bringing those sectors in, establishing standards and making sure they're all above-board and living and operating in a way that has utmost integrity involved; we have no difficulty with that. After a transition period, it establishes a single regulatory body for the whole sector, replacing the Board of Funeral Services and the oversight of the cemeteries branch of the Ministry of Consumer and Business Services.

The single act and regulatory system changes an age-old prohibition on cemeteries running funeral homes and funeral homes owning cemeteries. That in itself creates all kinds of questions and concerns in people's minds, and rightfully so. It sets out new consumer protection provisions including a prohibition against false advertising, strict disclosure requirements, strict pricing regulations that force retailers to adhere to price lists for services, contract and cancellation rights and a 30-day cooling-off period to cancel a contract. You know, that's in the instance of people making plans ahead of time for what will happen to them once they pass away. There would be a 30-day cooling-off period where a person could sit back and say, "Did I make the right decision? Was that the right thing to do?" They could come back and say, "Listen, I want to make some changes," or, "I don't want to do that." Or if something untoward has gone on in the meantime and it's been discovered, in fact, that can be—we have no difficulty with that. That's a piece of this bill we can support.

1740

But as the member for St Catharines is so often wont to say in this House, everything this government brings forward that has good things in it that we could all support also has in it what he calls—what is it? Anyway, I call it a Trojan horse, where what looks on the outside rather harmless and maybe even helpful, once you open it up and let—"hostages" is what the member for St Catharines refers to that are in these bills. There are hostages in this bill that we really need to take a look at to make sure everybody understands what they are and how they work so that we can make them less threatening and less difficult to deal with.

It sets out trust requirements as well for money paid in advance, a care and maintenance fund for cemeteries and a new compensation fund for consumers who do not receive services paid for in advance. I think that's an important piece of business, but we have to make sure the government understands just how important it really is and how they need to be there to make sure these trust funds and monies that are paid in advance are in fact going to be adequate to the need; and that if they're not, it doesn't come back then on the consumer in their senior years when they have even less money than they have when they first made their investment in this part of their life; and then that it doesn't fall back on the shoulders of the family to carry. The government needs to be very serious about this and needs to understand that this is a very important part of this bill, not simply in the regulation that they bring in all of a sudden say, "We've



changed our mind. This is something that maybe we don't need to be quite so clear on and concise about."

I'll tell you why I'm concerned: when we were government, we recognized that on a regular basis there were a number of workers in this province who lost their jobs because businesses went bankrupt or closed down. They were left, having worked a week, two weeks or sometimes longer, holding the bag with no pay for that work they'd already done and no way, because they couldn't afford lawyers and the legal process that would be required, to in fact make that happen for them. We as a government decided that we would institute the wage protection act in this place. Not only did we introduce the wage protection act, which would give workers an avenue, in partnership with government, to go after some of these bad bosses or bad companies that went bankrupt or simply left town to recover some of the wages owed; we also put in place a fund that would be there as a last resort so that these workers got at least some recognition of the fact that they did that work and they were owed money because of it. It's not dissimilar to the requirement that's being put in this act where money paid in advance, a care and maintenance fund for cemeteries and a new compensation fund for consumers who do not receive the services paid for in advance are in fact there.

This government, not long after it came into power in 1995, did away with that wage protection act and did away with the fund. I would want to warn people out there who think that this is a good act simply because this piece is in it, the consumers who may be looking at this or listening tonight who think that, "This is good. We can support that," yes you can, but the track record of this government is not to be as supportive of this once it gets down there and we begin to look at regulation and how it might play itself out. We have some very real and genuine concerns here that we need to be considering and looking at.

It also allows reductions in property taxes for cemeteries in instances where there are deficiencies in a non-commercial cemetery's care and maintenance fund. Cemetery owners must apply to the registrar to determine the owner's entitlement to a reduction or cancellation of taxes.

That brings us to the concern that has been raised by many of the faith groups around smaller cemeteries, oftentimes in back of churches, that find themselves not able, because of the economy that's cyclical out there in rural and northern Ontario, to maintain and take care of their non-commercial cemeteries. This allows for a reduction in property tax. Mind you, it goes back to the municipality itself having to carry the load.

What the faith community is concerned about, and I'll speak about it here in a couple of minutes, is that the new taxes and fees the government is considering because of this bill, without considering what's being looked after in this piece of the bill, will just put those groups under anyway. What they're saying to us is if the new fees and taxes that are being considered because of this new reorganization of this public business are too onerous, it

will put a whole whack of well-meaning volunteer, not-for-profit, small church groups and faith groups out there across the province in real jeopardy of not being able to continue to support their cemeteries.

Having said that, it's our feeling that the impetus for making these changes came primarily from the cemeteries and crematoria in the province. The faith groups and the family-run funeral services organizations would have been just as happy to have had things stay the way they were.

Cemeteries are feeling the squeeze as cremation becomes much more popular, resulting in declining revenues. Ontario is one of the last jurisdictions where the separated system of cemeteries and funeral systems remains. Most other places in North America have gone to an integrated—

**Mr John O'Toole (Durham):** That's right. That's why we're changing it.

**Mr Martin:** Yes, I'm saying that. All I'm saying, John, is there are parts of this bill that we think are good, but we want to get out there and hear from the public because it will have implications—

**Mr O'Toole:** You want to delay it. That's what you want to do.

**Mr Martin:** No, not delaying. You call it delaying; we call it political process, we call it democracy, we call it listening to the folks out there who are going to be affected most directly. They probably talk to you. You're a good dogan, the same as I am. You've probably heard from the church groups. They're telling you they have some concerns and they want some opportunity to come—

**Mr O'Toole:** Tax cuts.

**Mr Martin:** Yes. They're afraid that the fees and the new taxes—you guys talk about tax cuts. In this instance, you're going to apply fees and taxes that weren't there before. It's a bit of a conundrum for everybody in Ontario to understand and recognize that in many instances where you guys pride yourselves on being tax cutters, in fact you're introducing new fees and taxes almost every other day in this place. You're going to do the same thing under this bill and that's where the faith groups have some real concern, that the taxes and fees you will introduce will be unsustainable for them. They're already having a hard time keeping their small cemeteries maintained and in good shape. You add fees and taxes on top of that and you're going to put them under. That's what they're saying to me, so we need to talk to them.

There are many groups with different positions on the legislation. Faith groups are in favour of parts of the legislation, as it provides them an opportunity to generate some revenue from funeral services. This will compensate for the decline in revenue from cemeteries, particularly in those areas where cemeteries are full or the demand is declining. They also need revenues for cemeteries that are abandoned to keep them up to date.

However, they're concerned that the new regulatory board will be stacked with for-profit funeral service

representatives and that their traditions and practices may be ignored in favour of market considerations. Their concerns are warranted, if you look out there and see what's happened over the last eight years. Many faith traditions and practices have been challenged and in some instances throughout in the interests of equity, which I think is problematic.

1750

Small churches are concerned that they will not be able to afford the new fees that they will be charged under the bill. They are also concerned about property taxes that they will have to pay under this new legislation. So we have some concerns there.

Independent funeral establishments have some concerns in that they are afraid this will simply be the crack that opens the door to their businesses being taken over. They are worried that they will be crowded out by big corporate funeral services establishments who will provide one-stop services.

We have rural funeral establishments. They are happy with the legislation, as it will allow them to get into cremation in cemeteries, thus providing them with more business and potential profit, as well as serving consumers better. But we understand how that might snag or enter into conflict in some way with the faith groups, who have some very legitimate concerns.

We also have concerns from consumers who say they need to be informed of their rights in this area, and should be informed. There should be a consumer education program that accompanies these rule changes. It helps no one to give them new rights under this legislation but then not tell anyone about them. Of course, if you're in business, you are more wont to share what's helpful to you as opposed to what's not, and to share with consumers what will be in your best interests as opposed to what's in their best interests. So where some changes are being made that will be helpful to consumers, as we've agreed here, we need to make sure there are provisions in place to make sure that communication happens and education happens and people understand. We need to talk about that as we move into public hearings and consultations about this bill.

Casket and marker retailers: it's pretty hard to argue that they shouldn't be regulated, but there's no clarity about the criteria in regulating these organizations and what they will be. The bill leaves that to the regulations, and we have concern about that.

Municipalities want the provisions forcing them to assume ownership and responsibility for abandoned cemeteries removed. This is a particularly big problem in the north and in remote rural areas, and comes with all

sorts of long-term costs that they can't afford, particularly with downloading pressures already in place. So they want this removed. They want to talk about that. They want the government to understand what this means for them. Municipalities would also have preferred that the old regime remain in place.

So we have two groups now, the faith groups and the municipalities, who are saying to the government, "If this is what you're going to do, it would actually be better if you didn't do it at all. Just leave it the way it is, because there's too much in here that causes us concern and poses a threat."

In wrapping up, I want to speak very briefly to this so-called consensus that has been built around this bill and that has been presented by the members of the government this afternoon as a good thing.

"This legislation," in our view, "is based on discussion and consultation conducted by Justice Adams, which produced a document outlining the current course of action. While the government calls it a consensus, it most certainly was not.

"Many of the groups were unhappy with the results, but there are so many competing interests in the sector that it would be very difficult to produce a balance. The monument and casket retailers are unhappy, small independent funeral directors are unhappy, municipalities are unhappy, and some of the faith groups are unhappy." These are very important groups, and a goodly number of them.

"The government is definitely telling a story when they describe the current situation as a consensus. It is rather a situation in which they needed to move forward and have chosen to charge ahead despite the criticism."

So we are here today. I would guess that within a couple of days, the member for Nickel Belt and myself will be standing here talking about a time allocation motion where this piece of business is concerned, and public consultation or public hearings will be a very small part of that: maybe a day, maybe an hour; who knows? We're saying it needs to be much more substantial if you are actually going to hear from the people, understand their concerns, and do the right thing in this instance.

**The Deputy Speaker:** Comments and questions?

The member for Sault Ste Marie has two minutes to respond. No?

It being almost 6 o'clock, this House stands adjourned until 6:45.

*The House adjourned at 1755.*

*Evening meeting reported in volume B.*



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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 27 November 2002

Mercredi 27 novembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 27 November 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 27 novembre 2002

*The House met at 1845.*

### ORDERS OF THE DAY

**The Deputy Speaker (Mr Bert Johnson):** Orders of the day.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** Can I ask for unanimous consent that maybe we could take a three-minute pause?

**The Deputy Speaker:** Is that agreed? OK.

*The House recessed from 1846 to 1848.*

### ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

### LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Mr Baird moved second reading of the following bill:

Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

**The Deputy Speaker (Mr Bert Johnson):** We will commence with debate. I'm looking to my right. The Chair recognizes the Minister of Energy from Nepean-Carleton.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** Thank you very much, Speaker. If you're looking to your right, that's me.

*Applause.*

**Hon Mr Baird:** I would like to thank my colleague from Scarborough.

I'd like to indicate at the beginning that I'll be sharing my time with the hard-working Minister of Finance, Janet Ecker.

I'm very pleased to have the opportunity to rise to speak to a very important piece of legislation—an important piece of legislation for working families in Ontario, for small business people in Ontario and for a lot of farm operators right around the province. We set out

about six or seven years ago as a provincial government to address a really significant problem. In Ontario, our electricity system, the former Ontario Hydro, had run up about a \$38-billion debt. It was the Titanic of utilities and an iceberg was in sight. We brought in a whole host of reforms to try to really turn that around. While other governments would have preferred to straddle the fence, we took some really definitive action.

I know the member for Windsor West was a big pro-competition Liberal and she must be disappointed with Dalton McGuinty's change.

*Interjections.*

**The Deputy Speaker:** I just want to point out, particularly to my left, that I don't want to set a record today.

**Hon Mr Baird:** I want to welcome the member for Windsor West back. I haven't seen her for a while, but I'm pleased she's back and can participate in these debates. I look forward to her speech because we'll learn a lot when she speaks, as we always do. Sometimes it's things we don't really want to learn.

Anyway, we set about dealing with a \$38-billion legacy from the former Ontario Hydro. People say, "\$38 billion—put that into context for me." Let me do that for you. That's the equivalent of \$10,000 for every family in the province, whether they're in Richmond, Woodstock, Cumberland, Petrolia, Halton Hills, Milton or Cambridge. That's a lot of money. It's \$3,000 for every man, woman and child in the province. For the young child in Don Mills, in Windsor, in York West or in Vankleek Hill, when they're born today, that means they owe \$3,000. That's not the kind of legacy we want to leave our children.

We realized the problem was not going to be fixed overnight. We rejected the notion to bring about change too quickly. We said we should take the time to get it right. So we undertook a whole host of reforms, including the Macdonald commission, including Bill 35, the select committee that was composed of members of this place back in the late 1990s, and we had a market design committee establish rules for the market opening and took the decision to open the market earlier this year.

What we saw in the first few months was quite encouraging. We saw electricity rates go from 4.3 cents to 3.1 cents in the month of May, and we saw electricity go from 4.3 cents to 3.8 cents in June. That was certainly assisted by the supply of a lot of water in the province. The hydroelectric facilities were able to run at really peak capacity. That was good news for a lot of families in Ingersoll and in Oxford county. It was good news for



people in Burritt's Rapids and in Barrhaven and in Vernon. But what we saw in the summer months was really an incredible anomaly.

Perhaps I could welcome back the government House leader. The team, the member for Etobicoke Centre and the member for Windsor West, are now back, so don't adjust your TV set; you might be able to see them both.

I got a letter from—

**Mr David Caplan (Don Valley East):** From the House leader?

**Hon Mr Baird:** I say to the member from Toronto, it's not a letter from the House leader. I'd be pleased to read it.

It says, "Mr Speaker, please let Minister Stockwell back in the Legislature. He is truly sorry for how he acted today and promises he will try to control himself in the future. Sincerely, Mrs Stockwell."

That's from the government House leader's mother.

I had visions of grandeur, because I was calling myself the acting—I wasn't the deputy House leader this afternoon; I was the acting government House leader. But alas, when the clock struck 6, I'm now back acting as the deputy to my intellectual mentor and spiritual leader, Chris Stockwell.

I'm pleased as well that the Attorney General is here. The Attorney General and the member for Windsor West had a very colourful exchange.

Someone asked me, "What happened at Queen's Park this afternoon?" I said the Attorney General gave a strong answer and made a comment about another member—I know what that comment was. The member for Windsor West said something and we realized that Dalton McGuinty must be deaf because all the press gallery could hear what she was saying, but Dalton McGuinty couldn't hear it and he was sitting right next to her.

**Mrs Sandra Pupatello (Windsor West):** Read my lips.

**Hon Mr Baird:** Well, we'll watch your record; we won't read your lips. The last politician to say that was George Bush.

*Interjection.*

**Hon Mr Baird:** What have you.

These two get into a big fight, she gets kicked out, and rather than the Attorney General getting kicked out, my poor friend Stockwell gets kicked out.

*Interjection.*

**Hon Mr Baird:** He had it coming to him, though, if you ask me. Anyway, we're pleased to have the member for Windsor West and the government House leader back, forcefully representing their constituents.

I was talking about the debt at the former Ontario Hydro. I would be remiss if I didn't say what a great answer the Attorney General had in question period today. It was spirited and it was full of facts. There is nothing that bothers Liberals more than the facts, and the Attorney General was very forceful at presenting them today.

Anyway, we're talking about the old debt of Ontario Hydro: \$10,000 per family, \$3,000 for every man,

woman and child in Ontario. We couldn't continue to pursue the course that Ontario had followed, so the overwhelming number of MPPs, both on the Liberal and Conservative sides, gave their thumbs up when we debated Bill 35 for the agreement in principle. That's where we decided whether we like the direction. The overwhelming number of MPPs—80% or 85%—agreed to support an open market and competition, saying that was the very best way to tackle the big problem, which was bringing new generation on-line in the province of Ontario. That bill was passed at second reading. It went out to committee. We had hearings right across the province. The Liberals voted for it on second reading, but they changed their mind on third reading. That's before they came in favour of it again, only to, on November 18, change their minds again—as long as you weren't reading fundraising letters, in which case they were still in favour of it—

**Hon David Young (Attorney General, minister responsible for native affairs):** As Liberals are prone to do.

**Hon Mr Baird:** "As Liberals are prone to do," the Attorney General said.

The market opened and prices went down in May and June. The price of electricity, though, with the hottest summer in almost 50 years, indeed went up and the system was stretched to the max. I think there were seven days where we had a record demand for electricity. The Premier saw a problem and he appointed me to be the Minister of Energy to replace Stockwell on August 22. That was a good first step, I think most people acknowledge, I say to my friend from Etobicoke Centre. No, I'm just kidding. He did a phenomenal job as the Minister of Energy, as he has done in all the cabinet positions he has been given.

The system was stretched to the max on seven different days in the summer. We realized a peak demand in the province of Ontario. I looked to the member for Nickel Belt. I offered her the opportunity to get a shorter speech from the Minister of Energy and she rejected it. For the entire 40 minutes, she'll enjoy every word of this speech because it's brought to you sponsored by the member for Nickel Belt.

**Ms Shelley Martel (Nickel Belt):** Where is Hydrozilla when you need it?

**Hon Mr Baird:** Hydrozilla's not allowed in the chamber.

We had the hottest summer on record in 50 years, and right across the province families tried to escape the sweltering heat waves. They went inside and turned on the air conditioner, and on seven different days we realized record temperatures in the province of Ontario and record demands for electricity, as much as 25,900 megawatts of power.

*Interjection.*

**Hon Mr Baird:** I'm looking forward to hearing the member for Etobicoke Centre speak later.

We had a huge increase in the demand for electricity, and that had an accompanying reaction to the cost. In September, once this system had run to the max and

delivered, there were no brownouts or blackouts in the province of Ontario, thanks to the leadership of the former minister, Chris Stockwell. The system was stretched to the max, but it worked. I should pay credit to all the folks who made it work, whether they were the power producers, the workers at Ontario Power Generation, Bruce Power or any number of these small numbers of people right across the province of Ontario.

**Ms Martel:** The British government. Thank you for supporting British Power.

**Hon Mr Baird:** Tony Blair is a very good Conservative, I say to the member for Nickel Belt.

In September, after the system had been strained to the max, some of the plants had to come off-line for maintenance and we saw the price even go up more, which was a real concern. When the people of Ontario began to get billed, they were tremendously concerned. They were concerned for two principal reasons: about how they'd pay for the high bill on their kitchen table and they were concerned for their future and their family's future and for electricity. Ernie Eves was concerned, our cabinet, our caucus and our entire team, in fact all members of this Legislature, were concerned. Philip De Souza was concerned about this, I'm sure.

**1900**

We set about to look at what type of relief we could provide. The first area we used was built right into this system long before the market opened, the market power mitigation agreement that was there to provide some protection for consumers from the market power of the former Ontario Hydro, now Ontario Power Generation. We looked to that fund that was building up across the street on University Avenue and to how we would provide some relief to consumers.

Providing relief retroactive to May 1 was only part of the concern. I mentioned there were two fundamental concerns: one was the high hydro bill on the kitchen table, and the second was their concern and fear for the future. We set about looking at a mechanism where we could provide some relief to consumers retroactive to May 1. On November 11, Ernie Eves presented a really comprehensive plan to try to deal with some of these bumps along the road. He committed that we would go back and rebate the difference between 4.3 cents and what was paid.

We also came forward with a plan to help ease into this open, competitive market that would provide a price cap, not to generators but rather to the price that consumers pay, of 4.3 cents. That will provide some certainty and will allow us the opportunity to do a number of things.

One is to bring new generation on-line. We hope in Ontario to have some 3,200 megawatts of new power on-line this coming year that we didn't have on-line last summer. That would include 800 megawatts at the Bruce B facility, which was not operational for most of, if not all of, last summer. It would include two reactors at Bruce A, adding up to an accumulative amount of about 1,500 megawatts. We hope to get reactor 4 of Pickering

A on-line, in addition to 400 megawatts at the TransAlta facility outside Sarnia. So this is good news.

We also see a lot of investment in hydroelectric power. That's good for a number of reasons: (1) we need the power; (2) it helps the market; (3) it's good for the environment, it's non-emission. We see across Ontario about \$200 million of investments in hydroelectric power, including, for example, in Ottawa. There are a number of plants that have not operated at full capacity. Hydro Ottawa is making some investments to go from 15 to 27 megawatts on the Ottawa River. That's good news because it's all non-emission, green power that's needed by families and the growing Ontario economy. We've seen about \$200 million in investments right around the province.

We've also seen something that's quite exciting. On Friday, in Bruce county we'll open the first commercial wind farm in the province of Ontario, a company called Huron Wind. I think there are five windmills that have been constructed and will begin to generate electricity. This is a very exciting opportunity. We've seen a number of windmills in Ontario to date, but this is the first commercial wind farm. We hope it's the first of many in the province.

So we're providing relief to customers dating back to May 1 and providing some certainty over the next 40 to 41 months. That's what Bill 210 does, and that's good news.

This plan will pay for itself in a number of ways. We'll be able to pay into the fund in those months when electricity is less than 4.3 cents. For example, I mentioned May and June. In fact the day before the announcement was made, electricity went to 2.8 cents. So on those days where it's below 4.3 cents we'll pay into this consumer fund, and on those days where it's more expensive, we'll draw from it. But that's not enough.

We'll have the funding stream from the market power mitigation agreement, which today has approximately \$700 million. Rather than it sitting across the street on University Avenue at the old Ontario Hydro building, we'll be able to put that to work for consumers in Ontario, and that's good news.

In addition, over the next 41 months we'll probably have a more stable weather forecast, which will be productive. We'll also have, as I mentioned, about 3,200 megawatts as early as next year of new power on-line. That's just a start, because in 2004 we should have additional power coming on from Pickering A, we should have the Brighton Beach facility up and running in Windsor, which will be good news for southwestern Ontario's power needs. We'll also have a number of other investments that will come on-line.

More supply will definitely have an effect on price, and that's good news because when we have more supply, we'll have winners and losers as people bid into the market. When we saw record demands for electricity in Ontario this past summer, we needed every single electron we could get our hands on. So that will be important.



As well, perhaps we'll move on from a difficult 18 months in the energy sector. Whether it's through Enron or other firms south of the border and in the North American market, we've seen approximately 50,000 megawatts of electricity either cancelled or put on hold. That's had a huge effect on the investment climate right across North America and particularly in Ontario, and that will be helpful.

We look forward to coming forward with some additional announcements in the coming months.

The government, as part of our action plan, will like to see the third tunnel at the Sir Adam Beck facility come on-line. That would achieve much greater efficiency at Beck 1 and 2 and help produce about 1.5 additional terawatt hours a year, which will be good news for the province. That's all non-emission, which is good.

Second, we'd like to see the port lands facility, the old Hearn generating station in downtown, brought on-line. The facility proposed would be a natural gas facility, and we'd like to see what opportunities there are for public-private partnerships for these two projects.

We're working very hard—the folks at Ontario Power Generation. People like Ron Osborne and Bill Farlinger and their team are working hard on that initiative because that electricity is needed, not just for supply but in terms of the downtown Toronto facility to help keep downtown Toronto the heart of business in the country. So that's good news.

Some people have talked about the financing of this issue, and I look to a number of sources. I look to Standard and Poor's Rating Services. They had a bulletin on November 13, and the headline was, "Announced Provincial Electricity Rate Cap Will Have No Material Impact on Ontario's Financial Performance." Good news. The Dominion Bond Rating Service in a news release on November 14 said, "Dominion Bond Rating Service expects the net impact of this initiative on the province's fiscal balance to be manageable." More good news. On November 13, in a news release Standard and Poor's said, "Standard and Poor's Rating Services today said that the Ontario government's proposed legislation to freeze electricity rates to consumers for the next four years does not affect the credit rating of the province." That was good news because paying for it is important.

One person who, when we made the announcement, was not convinced, said that it couldn't pay for itself, it wouldn't work and it would lead to increased debt, which is a bad thing—does anyone know who that was? I say to the member for Nickel Belt, who didn't agree with this plan on November 11 and November 12? Does she know?

**Ms Martel:** I didn't, but I still don't.

**Hon Mr Baird:** But who did?

*Interjection.*

**Hon Mr Baird:** Dalton McGuinty said the province would have to borrow hundreds of millions of dollars. That was wrong. He would have no part of it and he was against it.

**Mrs Claudette Boyer (Ottawa-Vanier):** Say it ain't so.

**Hon Mr Baird:** That was on November 11. This is the same guy who voted for Bill 35 on second reading, against Bill 35 on third reading. He's against it in Ottawa, for it in Toronto.

*Interjection.*

**Hon Mr Baird:** I'll tell you, Claudette Boyer has always been very consistent on this. She's here today and she has always been very consistent. She was too good for Dalton McGuinty's Liberal Party, and I'm glad she's here today.

*Interjection.*

**Hon Mr Baird:** She is. We would love to see Claudette Boyer back in the Legislature after the next election campaign.

The plan—we have a number of bond-rating service agencies, respected individuals, who say it's manageable, say it doesn't affect the credit rating of the province, say it's not a bad plan. The one person we couldn't convince—or the two people: Howard Hampton, who has always had the same position, and Dalton McGuinty, who doesn't agree with it. I call Dalton McGuinty a Howard-come-lately on this issue because he is adopting the plan of both John Baird and Howard Hampton at various times. Of course, Howard Hampton has always been consistently against this issue. We provided some really meaningful relief to consumers, which we think is incredibly important in the province of Ontario. Before I go on, I'd like to talk about some other things.

**1910**

One of the real concerns we had wasn't just the plight of working families, and they're concerned about their electricity bills, but it was the effect on small business in the province. We know that small business is big business and it's tremendously important. Here's what Judith Andrew, vice-president of the Canadian Federation of Independent Business which represents small and medium enterprises, had to say about our legislation in a letter dated November 12:

"I write to acknowledge your government's positive action plan to deal with soaring electricity rates and other electricity charges affecting small and medium-sized enterprises since market opening."

That was one of the primary motivations of the legislation, to provide relief to small business, because in Ontario, where we are the capital of job creation, we know that small business plays an important role.

We also know that it's important for farm operators. If you have a dairy operation in North Gower, if you have a dairy operation outside of Vernon or in Richmond or south Nepean, you use a lot of electricity—in Petrolia, in Halton, in Milton, in Lambton county, a lot of dairy operations there. And there are a lot of farmers who are concerned about the viability of their operations. We looked at that and that was one of the reasons that we came forward with this plan. You can see the reaction the plan has got.

On November 11, when I looked at the newscasts, on CBC they talked to a deli owner in Oakville and he said, "This is going to help a lot. I think it's great what they did." He's a job creator. A coffee shop owner in Toronto

said on Global Television that evening, "This is going to help us. I think it's going to help me a lot." On CITY-TV, on November 11, a restaurant owner said, "Hopefully we'll go down on the average rate, like last year. Then I'm very happy about it, good news." An owner of another restaurant, in St Catharines, was quoted in the St Catharines Standard, "I am ecstatic. It's unbelievable; it's light at the end of the tunnel for sure."

We're pleased that we took some really significant action to provide support for folks on pricing. I know within my own constituency there are a lot of farm operators, a lot of small business people and a lot of families in Manordale, in Linwood village, in Fallowfield, in Manotick, in Stittsville who were tremendously concerned about this issue, and we will be able to provide that relief.

I attended some Remembrance Day services over the weekend on the November 11 in Vernon, at the Legion there, the Osgoode Legion puts one on there, and they put one on in Kenmore and in Osgoode village. I attended those Remembrance Day services, as I did in Nepean and in Manotick on the morning of November 11, and I went to the airport to fly back for the announcement.

Does anyone want to know who I met at the Ottawa airport? I met my friend, Dalton McGuinty. He was flying back to Toronto to presumably comment on it and I said to my friend, Dalton, "I hope you're coming to support one of your colleagues from a neighbouring riding in his announcement." And he smiled and almost laughed, meaning Dalton wasn't going to support me, wasn't going to support the plan. I said, "All I ask is that you read it and consider it. You don't have to come out right up to the gate in the first five minutes. Would you consider our plan to help small business and working families and farmers in Ontario?"

Well, he came out against it like you wouldn't believe. He didn't support it. He thought it was wrong, he thought it was crazy and he would have none of it. He actually criticized this party for changing his mind. On November 18, the Ontario Liberal fund sent out a letter to business people in Toronto, presumably in the energy sector. What are they saying? This letter, on Ontario Liberal fund letterhead, says:

"We've seen flip-flops, knee-jerk solutions and apparent disregard for the grim consequences their actions will have on our economy. Higher taxes are predicted to cover the \$800-million shortfall in energy costs. Someone has to pay for this blatant election promise."

But then Dalton McGuinty came and said he supports our plan. So presumably, in his financial plan for the next election, they will have \$800 million to pay for this in their financial numbers, and I know all the members will want to be watching that. So he said it was a flip-flop and a knee-jerk reaction and was not giving regard for the consequences on our economy.

But then the author, the chair of the Ontario Liberal fund, said, "With Dalton McGuinty's Liberals, we'll get the plan Ontario needs and"—this is the part I like—"the

leadership to stick to the plan." People say, "Was this dated two years ago?" No, it was dated on November 18, but on November 18, Dalton McGuinty went out and said he would keep the plan: he would keep the Ernie Eves plan to lower electricity for working families and small business people in the province of Ontario.

Now, earlier that day they had said they would have the courage to stick to his plan. They would have the courage to stick to his plan, is what the Ontario Liberal fund letter said, but then they changed their minds for the fifth time. We all work hard, and we get to know people. I felt badly for Dalton McGuinty on that day in his scrum. One journalist told me it was the worst scrum of his life. It was bad. And I thought, "Well, you know what? We'll see Dalton tomorrow, and we'll see what type of questions he asks in the House."

But he didn't show up the next day, or the next day, or the next day, or the next day, or the next day. The only way we got Dalton McGuinty back in this Legislature was Peter Kormos had to stand up and shame him into coming back to this Legislature; put in the bill that would fine Dalton McGuinty for not showing up. Within five minutes of Peter Kormos sitting down from presenting that NDP bill, guess who showed up. Dalton McGuinty. So thank goodness we have Peter Kormos pointing out Dalton McGuinty's shortcoming. I am pleased that I have Dalton McGuinty's support, that Ernie Eves has his support on this issue; if you can't lead, follow, and get out of the way. That's exactly what Dalton McGuinty has done, which is good news.

I'm also excited about the plan, because it recognizes two other important public policy initiatives. It recognizes we have to have more supply, and it recognizes we have to have more conservation. On the supply side, we believe, as a government, we can do more on the green, clean and alternative fuel.

I know all members, particularly the member for St Catharines, were pleased to see Steve Gilchrist appointed as the alternative fuels commissioner. The member for St Catharines says he's delighted. I know he became quite good friends with the member for Scarborough East on the select committee on alternative fuels.

Steve Gilchrist will become the first alternative fuels commissioner in Ontario, and we've already seen the benefits. That happened on a Monday, and on Tuesday there were some really comprehensive initiatives announced to promote green energy, clean energy and alternative fuels. We announced those in Niagara Falls. I was pleased that the member for St Catharines could come and participate in the announcement, perhaps not in the best way that I might have anticipated his participation. But we were glad—

**Mr James J. Bradley (St Catharines):** You didn't invite me.

**Hon Mr Baird:** He wasn't invited, but he knows he's always welcome, and he showed up, and we were pleased to see him. Every time that I go to Niagara region, the member for St Catharines welcomes me, personally, which we appreciate.



But what do these measures do to try to encourage new supply in electricity? Let me go over them: provide a comprehensive tax holiday to help create more electricity from cleaner alternative and renewable fuel sources, including natural gas, hydroelectric, solar and wind power. In the legislation we'd even gone further, and talked about biomass, which is important. We want to allow the Beck tunnel project at Niagara Falls to expand and to proceed, and the proposed tax reductions would help support this important project—

**Mr Bradley:** You were denouncing it last month.

**Hon Mr Baird:** I know. We were denouncing it the month before, because it wasn't viable. We needed these tax measures, and thank goodness Janet Ecker, our Minister of Finance, was there with the tax relief to make this project work. It couldn't be done, but it could be done with Janet Ecker's support, and the Ministry of Finance is changing them, so thank goodness for that.

And I should acknowledge the hard work of the member for Niagara Falls, who has been a tiger on this issue. He has been a fierce proponent of this project, not just for the environmental benefits but for the huge economic impact it will have on not just Niagara Falls but, indeed, Niagara region. So we're excited about that project and the opportunity for some private sector involvement in it. We want to conduct a study of the Beck 3 generating project at Niagara Falls, and get an independent review: is it feasible to accomplish? Many people believe it is; others have had more caution. We should address this in a really fundamental way, and that independent study on feasibility we hope will be able to do that.

1920

We want to introduce measures to provide property tax relief to newly created assets that generate alternative electricity. The Ontario water power industry has already benefited from that; we've seen \$200 million in investment, so it's been quite positive.

We want to direct OPG to accelerate its assessment of the new 500-megawatt generating project on Toronto's port lands, at the site of the old Hearn generating station. This is important for a number of reasons, particularly because the transmission capacity in downtown Toronto is in need of additional strength. This would be positive for that, and this legislation helps make that a reality.

It would allow a 100% corporate tax write-off for the cost of assets used to generate electricity from alternative and renewable sources. It would bring forward capital tax exemption for assets used to generate electricity from renewable sources. It would provide a sales tax rebate for building materials used to construct alternative energy facilities. It would create a corporate and income tax holiday for revenues derived from the sale of new supply of electricity generated from alternative sources.

It would introduce a requirement for net metering and connection arrangements between distributors, self-generators and small-scale distributed generation to help remove barriers to self-generation and small-scale generation using renewable energy technology.

The member for Scarborough Centre has an exciting project she's aware of that she's been telling me about: how a farm operator could put a windmill on their property and generate electricity. This announcement directly supports that kind of initiative, because the problem with wind is that you don't get it all the time. If there's an excess capacity of wind, they could put electricity on to the grid and use it themselves when their needs suggest. That would make it more economically feasible for a small business person to do.

We also want to raise the threshold for environmental approvals exemptions for clean generation. It was a hodgepodge and a bunch of environmental red tape where some required more extensive generation than others.

It also established a centre of excellence for electricity jointly at Hamilton's McMaster University and the University of Waterloo. This is something that David McFadden and the Stakeholder Alliance for Competition said was incredibly important if we were to have more research into electricity. I know some people, namely someone named Will Stewart, wanted that to be at Laurier, but the University of Waterloo got it in the Kitchener-Waterloo area.

Those were some good measures to promote green energy.

A lot of this flows out of the work of the alternative fuels select committee. Doug Galt, the chair of that, who has since gone on to bigger and better things, is here. The members of that committee, from all parties, deserve a big pat on the back because they've certainly put these issues, as has Commissioner Gilchrist, on to the agenda here at Queen's Park. We hope these announcements are the first of many in the coming years.

We also made some important announcements with respect to conservation. In Oakville, the next day, on November 13, we announced some initiatives which I'd like to go over. We want to get the government to reduce electricity in its own operations by 10%, which is leadership by example. We want also to make a commitment that the government will purchase 20% of its electricity from renewable sources. We want to commit to the goal of ensuring that every newly constructed government and other institutional building is energy self-sufficient, using alternative or clean sources of energy.

We want to establish a centre of excellence of alternative energy jointly at Queen's University and at the University of Toronto. Queen's University is of course an important institution in the province, where there's a lot of excellence and research takes place. That's good news, not just for Queen's but for eastern Ontario.

The Minister of Energy will also launch a public awareness campaign. People had spoken to us during the consultations we all take on as MPPs about the "Conserve it, preserve it" campaign that ran many years ago. Perhaps we could see something similar to that.

We want to support measures that allow residential and small commercial customers to take initiatives to

conserve energy and achieve more efficient use of the energy supply. We want to encourage large consumers to take advantage of electricity cost savings, such as retrofitting commercial buildings. We want to encourage the conservation of our valuable resources. The government proposes to enhance the corporate income tax treatment of expenditures made by businesses to conserve energy.

We want to propose allowing individuals to claim to get some tax relief with respect to solar energy, and we're following through in this legislation on the PST. I look Rosalyn Lawrence, who's here today, who's one of the people who does a great job at the Ministry of Energy.

We believe that every new home should have the opportunity to take advantage of interval meters; that's something important. If people, perhaps a retired couple in Richmond or in Munster hamlet, could see that the cost of electricity is 8 cents and perhaps not turn on the dishwasher and get a benefit for that, rather than just going into the collective pot, that would have a lot of benefits to conservation, which is also good for the environment.

We'd like to propose that the Ontario Energy Board be given an additional mandate to ensure local electricity distributors reward and encourage consumers who preserve power.

We plan to support the marketing of green power by creating an electronic information system so that people have a better sense of it.

We've proposed that the threshold for the environmental assessment exemption for clean generation be raised to 100 megawatts, and we will be directing the Red Tape Commission to work with the relevant ministries to help reduce red tape in this area. This is where Steve Gilchrist, our alternative energy commissioner, will be able to provide a lot of assistance. I look at the member for Oxford and he certainly agrees with that.

We have proposed to work toward using wind power to provide electricity in First Nations fly-in communities, where they have to fly in diesel power, which is tremendously expensive. If we could work with the federal government, as we have very successfully in a number of areas with First Nations, to make that a reality, that would be good. That's something which we think will be positive in the province of Ontario.

With these initiatives on electricity price and on generation and on supply and on conservation, we think this package collectively will be very good for the province of Ontario, for working families, for the economy. The answer to the concerns that a lot of families and a lot of small businesses had in calling and talking to their MPPs is that the message has been heard, and this action plan goes a long way to helping make it so successful.

I would be remiss in not recognizing all of the hard-working and fantastic people at the Ministry of Energy and the Ministry of Finance, in the Cabinet Office, in the Premier's office and the stakeholders who helped with the plan and the legislation. A lot of people worked tremendously hard and we wouldn't have been able to

arrive at such a successful initiative without that. I would like to, without naming them all, underline their hard work and their efforts in this regard. Their work has made a huge difference. A lot of people are able to sleep more easily at night, given that this problem is being addressed in such a substantial way.

I'd like to thank you for the opportunity to participate in this debate. Marcel Beaubien particularly was concerned, in Lambton county and Petrolia, about this, and I'd like to underline that, as was my colleague Ernie Hardeman in Oxford county.

With that, I'll put my comments to rest. I look forward to hearing from my hard-working colleague the Minister of Finance, the member for Pickering-Ajax-Uxbridge.

**Hon Janet Ecker (Minister of Finance):** It is, I suspect, a bit of a dubious honour to have to speak in the Legislature tonight after my colleague the Minister of Energy has entertained us so well, has spoken so articulately about our comprehensive strategy to try and assist consumers, assist business to deal with the hydro prices, the electricity prices they were confronted with earlier this year.

I must say that the Minister of Energy has distinguished himself. He has not been in the portfolio all that long, but the day after he was sworn in as a minister, the Friday morning, he was out on site in my riding visiting the Pickering nuclear plant. He was going through there—this is a minister who takes a hands-on approach—to see what could be done about getting that plant back on track, back into producing the energy it can produce to make sure it can be part of a plan to give consumers the kind of energy guarantees, energy security, that they and the business community need in this province.

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I hope the honourable members across the way, our colleagues on the opposition benches, after many, many weeks of standing up and saying there was a problem and that the government needed to act, that consumers needed protection—after many, many weeks of that, I am sure they will be moved by their concern for small business, their concern for consumers, to support the legislation we're bringing forward here in the House this evening. We think this bill, if passed, is going to be very helpful in implementing the very comprehensive strategy that Premier Eves and my colleague the Minister of Energy announced some days ago to lower hydro bills for consumers and businesses across the province.

It would have been very easy for the Premier not to take steps. It would have been much simpler to stand up and say, "No, everything will be fine." But no, this particular Premier took the time, did the due diligence, worked around the clock with staff, the energy and the finance folks, to try and come up with a strategy that would do a couple of very important things. Those objectives you can see in the Electricity Pricing, Conservation and Supply Act.

*Interjection.*

**Hon Mrs Ecker:** The honourable member across the way, the member for Don Valley East, seems to think



that taking steps to protect consumers is somehow a laughing matter. That just goes to show where the Liberal Party is coming from on this. As my colleague the Minister of Energy showed so clearly, it's a little hard to distinguish exactly where the Liberal Party is coming from on this issue. On the one hand they like to criticize us for having an open marketplace, trying to do what other jurisdictions have done, to have a competitive marketplace, to have consumers and businesses with an electricity supply—they like to criticize us for the steps we took to do that—and then they like to go out and say to the business community, "Give us money, because we believe business is terrific. Give us money and we will work with you to provide a stable environment." This from the party that is also saying to business, "We want to help you be prosperous, and do you know how we're going to do that?" They're going to not give business any tax breaks. They're going to cancel tax breaks. They're going to increase taxes, and that is their plan for helping small business, for helping consumers, families, for helping our business community to succeed. On this side of the House, not only do we recognize the importance of competitive taxes, we have the track record that shows that bringing down taxes for individuals, for families, actually works in this province.

The legislation is very clear about the objectives we're setting out: to encourage investment in alternative or renewable sources of electricity generation. We think that's very important. Again, we hear our colleagues across the way—both parties having spent some time in government—saying they're very much in favour of alternative energy, green energy etc. But, you know, they didn't do much about it. They talked about it, they said they believed in it, but not much happened. This legislation is actually putting in place a plan which will help make that happen, encouraging investment in alternative or renewable sources of electricity generation.

Encouraging energy conservation: again extremely important, because we want to make sure that all of us are taking steps. The Minister of Energy outlined some of the things we in government are prepared to do to reduce our energy demands. Most consumers, when I talk to people in my riding, also say that they turn down the thermostat, take steps to try to conserve energy. They want to do that, and I think the government should support that, both for the business community and for individuals. So this strategy laid out in the legislation will encourage energy conservation as well.

The measures included in the bill are going to provide a variety of tax incentives, because we know that using our tax system to reward hard work, to reward people who want to invest, take the risk of investing, put their capital into a venture, to take a small business and try and make it grow so they can employ more people in a community—we understand how using the tax system can encourage that, can support that. This legislation will have a variety of tax incentives, including property, business, income, capital and retail sales tax incentives, in support of these objectives.

This is also in keeping with our tax record, which shows that the economic activity generated by tax cuts results in strong economic growth. We have over a million net new jobs in this province, and the majority of those are full-time jobs. That is because here in Ontario, through competitive taxes, balanced budgets, making decisions to remove barriers for the growth of jobs and prosperity in this province, we are seeing growth record in Ontario. We're setting records among the provinces in this country and our competing jurisdictions, beating out many of the OECD countries, in terms of our growth and job creation.

One of the key reasons for that is because we have a competitive tax structure that's going to get even more competitive with the legislation before the House this month, with part of the budget initiatives in June. Let me talk about some of the changes that are going to be in that legislation to help with competitive taxes here in Ontario.

More low-income individuals, another 50,000 low-income individuals, are not going to have to pay any Ontario income tax at all. When you are a modest-income Ontarian, the last thing you need is the government's hand in your pocket. So another 50,000 are going to join the over 700,000 modest-income Ontarians who do not have to pay any Ontario income tax. They still have to pay federal income tax, but we had another 50,000 in this budget.

We brought down the tax rate on small business. The greatest job generator in this province is our small business community. One of the ways we help them to do that is to bring down the small business tax rate. So the budget did that as well.

We reduced the mining tax rate as well. This afternoon, I was with my colleague the Minister of Northern Development and Mines, who was talking about how competitive and successful our mining sector is starting to be with the favourable tax structure they have.

We're bringing down the retail sales tax on the rates for automobile insurance premiums and repairs and replacements made under warranty—another important support for consumers, to cut the RST on automobile insurance premiums.

#### *Interjection.*

**Hon Mrs Ecker:** The honourable member for St Catharines makes a comment about auto insurance rates. Perhaps he would enjoy supporting the proposals we have before this House that are working to help protect consumers of auto insurance. That is another important initiative of this government, to protect consumers not only in the auto insurance area but also to protect consumers who are investors, holders of mutual funds and investors in our securities sector; other legislative proposals before the House will do that. And of course, to come back to the subject of this debate, there is protection for consumers in the Electricity Pricing, Conservation and Supply Act, 2002, that we are talking about today.

We're keeping with our tax record in this bill, and an increased supply of affordable electricity will support

continuing growth in the economy. That's what this government believes in: growth, prosperity and more jobs. It is important for that growth and prosperity to occur because that's what generates the investment income we can have for schools, hospitals and the environment. It has to be done together; you can't do one without the other. I know the Liberals across the way some days have difficulty understanding that close relationship that we on this side of the House appreciate, that the way to have continued growth, new investments for schools, hospitals and the environment, is to continue to have growth in the economy and in the revenues that come from that to pay for priority areas in Ontario.

The overall supply of electricity will also help to stabilize prices for the benefit of all Ontarians. We have a twofold aim: to bring additional supply on stream as rapidly as possible, and to increase reserve levels from current levels to ensure that there is sufficient supply to meet forecast demand at all times, so if we have the kind of heat wave we had earlier this year, we can ensure that consumers can be comfortable with the fact that there will be supply there.

A comprehensive tax package is one component of our action plan to increase the electricity supply. We are proposing to support the creation of additional electricity from cleaner energy technologies, including natural gas, hydroelectric, solar and wind power, and to promote conservation, as I said. Again, I would be remiss if I did not recognize that in my riding, in Pickering, we have a new windmill, a new model that is there to try out new technology in windmills. The Pickering nuclear plant, sponsored by OPG, has that project. It's actually becoming quite a local landmark. People remark on it. People are rather proud, I would say, of the fact that we have a new windmill trying out new alternative energy technology right there in the beautiful city of Pickering in my riding.

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The proposed tax measures that are in this legislation support increased electricity supply and green power. We do that through a couple of initiatives. There is to be a 10-year business income tax holiday for income from sales of new supplies of electricity, so a way to encourage that. There's a 100% income tax write-off and a capital tax exemption for the assets that are used to generate new electricity from alternative or renewable sources, including natural gas. And should this legislation pass, we'll be introducing regulations to provide clearer direction to define the assets qualifying for the write-off and the capital tax exemption.

We also propose to allow corporations, businesses here in Ontario, the flexibility to decide when they can start claiming that corporate income tax holiday, an important measure for business, provided they begin generating electricity from alternative or renewable sources by the end of 2007. We've taken great care in terms of setting the calendar years that these tax holidays are available through to make sure that we are doing what we can to encourage that investment, to encourage

businesses to make the investments to have further supply.

There will be a sales tax rebate for eligible businesses for building materials used to construct alternative or renewable electricity generation facilities and also the materials used to construct deep-lake water cooling systems, another important project that we're seeing here in Ontario that again helps to reduce the demand for energy and is better for the environment.

There will be a 10-year property tax holiday for new facilities that generate electricity from alternative or renewable sources by the end of 2007; again, another initiative that will help make some of the potential projects that we're seeing in Ontario more viable and help bring more of them on stream.

Aside from creating alternative or renewable fuel sources, as part of the comprehensive strategy we have the action plan to promote conservation. The primary intention of the conservation measures in the legislation is to reduce electricity use by businesses and individuals. So we are introducing the following tax measures to help make that happen.

There will be an immediate 100% income tax write-off for those businesses for investments in qualifying energy-efficient equipment. The write-off would be available for those businesses that purchase eligible assets after November 25 and before January 1, 2008; before the end of 2007.

Consumers are also very much a part of this. Consumers have, through this legislation, the knowledge that with the 4.3 cents that they are paying for energy, they have some ability to plan, to know that will be the price that is set until the end of this transition period, until 2006. We're also offering a tax rebate for consumers who purchase new energy-efficient household appliances after November 25 of this year and running for a year, to November 26, 2003, to encourage consumers to purchase those major appliances which have an Energy Star rating. There is a process through the federal government—it's something, actually, that is done here in North America—where they set an energy efficiency rating for major appliances. We would like to encourage and support consumers who take the time to do the shopping well, to comparison shop, to make intelligent choices on behalf of the environment.

So the appliances that would be included in this are: refrigerators, clothes washers, dishwashers—the most energy-efficient appliances available.

We're also going to have a five-year retail sales tax rebate for qualifying solar energy systems, which promote clean energy use and are installed in residential premises. There are consumers who have done this or are contemplating doing this. It is another way to use alternative energy. We want to make sure that through our tax structure we are supporting that as well.

All of those are important initiatives. As I said, we believe that tax initiatives are very much one of the things that help promote growth and prosperity in the province. The record is clear that with those kinds of steps on competitive taxes, whether we're talking energy,



whether we're talking personal income tax, whether we're talking our small business community, for example, we are seeing the facts, the data that show that this strategy is working, both in terms of our job growth—as I said, we've created more than one million net new jobs in this province since we delivered our first throne speech in 1995. The majority of those are full-time jobs. They're good jobs. They're important jobs. They're helping families to succeed in this province, helping young people get a good start, helping individuals and families get off social assistance. That's a very important statistic. That's the equivalent of almost 400 new jobs a day. Just imagine, 400 new jobs a day created in this province.

Those one million net new jobs account for more than 45% of the total job growth in Canada since 1995. Some 45% of the total job growth in this country has been here in this province. In fact, the job growth in Ontario was more than double the job growth seen in the United States during that same time period. I know the opposition and the member for St Catharines and his colleagues like to say, "Oh, pooh-pooh," that the economic growth in Ontario is only because we're on the coattails of American growth. Well, if that were the case, we would not have the kind of job growth in Ontario that was more than double the job growth seen in the United States during that same time period. We're not on anybody's coattails; we're leading in that job growth. If we continue to have the right economic fundamentals in place, we will continue to do that. That is what families would like us to do here in this province.

I understand that the members across the way from the Liberal Party who are heckling me here this evening—obviously some of them have just come in from dinner. We can understand their discomfort. We can understand their discomfort when their leader, who we know is a very nice guy, is not up to the job of making those difficult decisions, of making the tough choices that help to keep our province prosperous.

The Liberal leader says, "I am in favour of privatization." This is the same opposition leader who stands up and criticizes steps we have taken to make our electricity sector more competitive. Then he stands up and says, "I am in favour of privatization." Do you know what? Actually one of the great things is to have been able to see that the NDP leader, Howard Hampton, is putting out press releases making sure that the Dalton McGuinty record, the Dalton McGuinty flip-flops, are clearly there for taxpayers to see. Yet at the same time that he's sitting here talking about how we need to go out with privatization, he criticizes the government for taking those same steps that will help lead to a more competitive marketplace. That's what that kind of inconsistency, that kind of knee-jerk policy positioning is clearly showing.

*Interjections.*

**The Deputy Speaker:** The member for Windsor-St Clair.

**Hon Mrs Ecker:** The leadership of Premier Eves on this side of the House, the leadership of this government,

is what will help make sure this province remains prosperous in the future.

**The Deputy Speaker:** The Chair recognizes the member for Glengarry-Prescott-Russell on a point of order.

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**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** J'aimerais souhaiter la bienvenue à André et Micheline Pomminville du village d'Alfred. Mr Pomminville is a retired agronomist who has worked for the Ontario Ministry of Agriculture. Bienvenue, Micheline et André, et bon séjour à Toronto.

**The Deputy Speaker:** Welcome.

Now the Chair recognizes the member for Glengarry-Prescott-Russell for two minutes.

**Mr Lalonde:** I will be giving my speech in French at this time.

Au tout début du discours du ministre de l'Énergie, il a fait référence à la dette de l'Hydro, qui se situe dans les environs de 38 \$ milliards. Cette dette, comme il l'a mentionnée, représente vraiment environ 10 000 \$ par famille ontarienne. Aussi, il a mentionné que chaque nouveau-né en Ontario est responsable d'une dette de 3 000 \$ à la naissance.

Lorsque je regarde que nous accumulons cette dette de 38 \$ milliards depuis 50 ans, l'Hydro Ontario était sous la gérance d'un gouvernement conservateur pendant 82 % du temps.

**Interjection:** Shame.

**Mr Lalonde:** Shame on the Conservative Party.

N'edt été la position du Parti libéral de l'Ontario avec son chef Dalton McGuinty, jamais nous n'aurions pu annoncer au public le fiasco ou vraiment la méchante administration qui régnait au niveau de l'Hydro Ontario. C'est nous, le Parti libéral avec Sean Conway, le député de Renfrew-Nipissing-Pembroke, ainsi que Dalton McGuinty, qui avons fait sortir à travers la loi sur l'accès à l'information publique le fiasco qui existait chez M<sup>me</sup> Clitheroe, qui était payée à 2,2 \$ millions par année, ses 300 000 \$ pour sa limousine, ses 330 000 \$ pour son bateau, ses 174 000 \$ pour son auto, ses 172 000 \$ pour les dépenses qu'elle encourait ça, c'est une bonne administration ? C'est pour ça qu'aujourd'hui nous devons payer cette dette et que nous essayons de rembourser cette dette dans 10 ans.

**The Deputy Speaker:** Comments and questions?

**Ms Martel:** It's a pleasure for me to participate in this debate tonight. Are the words "We told you so" ever appropriate this evening. We told the Conservatives so, we told the Ontario Liberal Party so, that energy deregulation and privatization wouldn't work, and all along the Conservatives and the Ontario Liberals supported privatization and deregulation. Look at the fiasco that we are here now trying to deal with.

You see, Speaker, it's not just a question of incompetence, because the Liberals have tried to hide their support for privatization and deregulation behind the code words, "This government is just incompetent. If only the Liberals had been in power, there wouldn't be such a fiasco."

The fact is, it's not just a question of incompetence; it's a question of deregulation and hydro privatization not working—not working here in Ontario, not working in the UK, not working in Montana, not working in California, not working in Alberta. Are you surprised that we're here tonight dealing with this mess? Because that's what you're trying to do. Now you've got to bring a bill in to massively intervene in the economy because of the fiasco created by your policy, which was supported by the Liberal Party as well. That's what we're doing here tonight. All this blah, blah, blah about trying to protect the consumer—look, Minister; look, I say to the members of the Liberal Party: if hydro deregulation and privatization was really working, we wouldn't be here tonight trying to put in price caps and rebates and trying to fix the mess. We wouldn't have to be doing any of that because it would be working so well.

There is only one thing to do: kill the hydro privatization beast. Kill the dirty deal now. Get back to accountable public power.

*Interjections.*

**The Deputy Speaker:** I think if it's all right, we'll just take a minute and you can get all those yelps and squeals and howls and everything out so that the next word I hear that isn't from somebody who has the floor, I can ask you to leave.

The Chair recognizes the member for Northumberland.

**Hon Doug Galt (Minister without Portfolio):** Thank you very much. I recognize the terms that you use to refer to the noise, and it's obvious that you are from a farm. I appreciate your getting that kind of control before I speak.

*Interjection.*

**The Deputy Speaker:** I'm naming the member for Windsor-St Clair, Mr Duncan.

*Mr Duncan was escorted from the chamber.*

**Hon Mr Galt:** I want to compliment the Minister of Energy and the Minister of Finance for two excellent presentations that we heard here this evening.

First, the Minister of Energy and his comments about the alternate fuels and what they're going to be able to do to bring forward green energy and some of the steps that he has taken to bring those aboard following the select committee's report—a committee report that was supported by all three parties. That has to be a first here at this Legislature. The enthusiastic members on that committee brought through a lot of good recommendations that the Minister of Energy is bringing in.

Also, listening to the Minister of Finance talking about the jobs: 1.8 million net new job in the last seven years. Just think about it. Of five people with jobs walking down the street, one of those jobs has been created during the last seven years. What happened in the five years before we took office? Some 20,000 net lost jobs in the province of Ontario. That's a record this province of Ontario had. In the last seven years, 1.8 million net new jobs. That's over a million people who came home and said, "Guess what. I just got the job."

**Mr Alvin Curling (Scarborough-Rouge River):** It's so difficult to keep quiet when you hear the waffling going on over there. I heard the NDP—it's rather surprising, and I don't really want to attack the NDP. Their record speaks for itself, because they have gotten us in a worse mess.

The Minister of Energy and the Minister of Finance are bragging about things here. What does it say here? They'll promised us lower rates; they gave us a higher rate. They promised less debt; now we have bigger debts. They promised better service. Where are we today? We have brownouts and worse service now. Then they promised that they were going to get more supply and they didn't know where they were going. We have less supply and the Minister of Energy's ignorance is going up in the matter, not the supply. And then they said what was happening today—they want to make sure that we pollute the place regardless of any sort of a concern about the pollution.

Where are they going with all this? They don't know where they're going; they're waffling all over the place. The Minister of Energy was flipping here and flipping all over the place. Have you ever seen a live fish on shore? You're flopping all over the place.

The NDP, when they got hold of hydro, decided to buy a rain forest in Costa Rica, and the rates went up 40%. The people in Scarborough-Rouge River are just in shock. The small businesses there are going out of business because of the mismanagement and what both of these groups have done.

I want to tell you, when the Liberal Party gets into power, what we promise is to make sure that we're going to have some supply.

Of course, they had to go on and flip and change their position now, and they are bragging about what they have done. You should be ashamed of yourself for putting us in the terrible position that we are in today.

**The Deputy Speaker:** The Minister of Energy has two minutes to respond.

**Hon Mr Baird:** I want to thank the member from Scarborough-Agincourt for voting for this bill and I appreciate Dalton McGuinty's support of this bill. I didn't think we'd initially get it because he said it was wrong, he said it would add to debt, he said it was a knee-jerk reaction and on the same day as he changed his mind the Ontario Liberal fund said, "He had the courage to make his decision and stick to it." And then he went out and changed his mind again on the same day.

I thank the member from Scarborough-Rouge River. I want to thank the member from Northumberland, who did a heck of a good job on the alternative fuels committee. I only wish I could have joined that committee. I would have become friends with the member from Northumberland and my friend from St Catharines.

I want to thank the member for Nickel Belt. She said we wouldn't be here debating this bill had we done things the old way. We wouldn't be here debating this bill; we'd be out selling bonds—\$3-billion in new debt. I know for the member for Nickel Belt that's a drop in the bucket, because she borrowed \$50 billion or \$60 billion



when she was a member of the executive council. So \$3 billion was nothing; that was chump change for the NDP. We intend to deal with the problem and we have the courage to follow through on our commitment to the open market.

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I want to thank mon cher collègue le député de Glengarry-Prescott-Russell pour ses remarques. He says the PCs are responsible for the Hydro debt. My mother wasn't even born when the PCs came to power in 1942, and we've been criticized for going back to the 1980s. The PCs came into power in 1942. So when he goes back to this debt of 50 years, not only was I not born; my mother wasn't even born.

I want to also thank some people who are here—Cynthia Brandon, from the ministry, who has worked hard; Paula Day; Suzanne Bezuk; and I also want to thank all the good ushers, like Yvonne Palkowski, for their hard work.

**The Deputy Speaker:** Further debate?

**Mr Bradley:** I'd like to ask for the consent of the House, first of all, to stand down our lead.

**The Deputy Speaker:** Is there consent? It is agreed.

**Mr Bradley:** Thank you very much, Mr Speaker.

I'm going to try to bring some rationality to this particular debate this evening, but first of all—

*Interjection.*

**The Deputy Speaker:** I'll not warn the member for Don Valley East again.

**Mr Bradley:** First of all, I must make some comment on what I've already heard. It is amusing beyond belief to listen to the Minister of Energy talk about flipping and flopping, when there was a major government turnaround, a 180-degree, or maybe 360-degree, turnaround on this issue.

I listened during the leadership campaign, because I'm interested in those things, to all the candidates. When my friend Mrs Witmer made some suggestion that perhaps they should step back from privatization and from deregulation, everybody jumped on her over that issue, including the present Premier today. In fact on the road, not the road to Damascus but the road to Mississauga, there was a major change in government policy which certainly—someone from the NDP described the government as socialists on that particular day. So I now know why the Minister of Energy was flipping waffles one day during the campaign: to describe the present Premier. They had to buy a trampoline for him so he would do the complete flip that took place.

What is interesting, however: I thought there was a good column in the Toronto Star today by Ian Urquhart—sometimes I agree with Mr Urquhart; sometimes I don't—talking about one party changing a position, and the government seems to want to fade into the background on doing that. The NDP is sitting there waiting to say, "I told you so." They had some problems when they were in power as well, I must say. I remember when they were on that select committee and they were leaning in this direction.

By the way I objected, I must say, now that I mention the NDP, to trying to blame Floyd Laughren, as the chair of the Ontario Energy Board, somehow for these prices going up. I think what everybody in the province should know is that the rules for the energy board are set by the government. The amount of resources they have, the toughness that they can demonstrate, is really under the control of the government of Ontario. So I didn't mind when the Premier accepted my suggestion. I wrote him a letter and said, "Why don't you strengthen the Ontario Energy Board, give them more resources." I didn't mind when he said, "OK, I agree with that suggestion," just as he has now agreed with a number of other suggestions that we have made. Although he denounced them initially and said they were unrealistic, the Premier is nice enough now to adopt almost on a daily basis some of the suggestions that have come from the Liberal Party and even from the New Democratic Party. That's nice to see.

I remember the great fanfare with which this government announced its policy. The then Minister of Energy, my friend Mr Wilson, was extolling the virtues of deregulation and extolling the virtues of privatization and telling us, of course, that the rates were going to go down and that we'd have more supply and that everything would be fine for the province. Then, when that didn't work out, the blame game started. Just as over Walkerton the Premier, first of all, then Premier Harris, blamed the NDP, then he blamed the local municipality and then he blamed three of four other people before he started to understand that the blame was largely on his desk.

Well, to start out as well with the blame game: first of all it was the local utilities' fault; they were the people really gouging the people of the province of Ontario. Then, as I say, it was the Ontario Energy Board which was not doing its job, according to the government. Then they blamed the weather; then they blamed old Ontario Hydro—they were looking for somebody to blame—they blamed the farmers; they blamed people for complaining, when in fact it was the policy and the way in which the government implemented its policy that brought about the disaster that took place in July, August, September and October, until the Premier went to Mississauga and did the major flip-flop on this particular issue.

I just wanted to put on the record that I don't accept any lectures on flip-flopping from a government that did a 180 degree—I'm going to say a 360 degree—turn on its issue. I don't, as you know in this House, spend a lot of time criticizing previous governments and the NDP. I'm not the one who mentioned that the rates went up 40% when the NDP was in power, because that's in the past; or that the Manitoba contract, that was signed by the Liberal government, which would bring relatively cheap and clean power into Ontario, was cancelled by the New Democrats. That's in the past. I don't want to dwell in that particular aspect of it.

I do want to look at where we are going to be going, however—and how we got there. The real change in policy really came about—and I am pleased to say it shows that democracy from time to time can work—

when people were phoning the constituency offices of everybody except the member for Etobicoke Centre, complaining about high rates. There were some genuinely sad stories out there: people who were on disability, people who are low-income or on fixed incomes, who saw their bills going through the ceiling, and they were calling all of us.

It wasn't just the opposition; they were calling the government members and so on, saying, "What on earth has happened? What can we do to stop this?" I had not seen such a barrage of telephone calls as I saw on that issue, in some period of time, and letters, and now of course we can get e-mail. There are a number of ways they can communicate with us. People you'd stop at the grocery store or something like that, the first thing they would want to talk about was their hydro rates. What was happening, I think it was particularly interesting: it wasn't simply hydro rates that were going up; they would tell you about their car insurance rates going up or their house insurance rates going up. They would talk about natural gas going up, particularly the people who were being served by Union Gas in this province. They would tell you that when they went to the pump to buy gasoline, more often than not the price was way up. It does go up and down, but more often than not it was way up. They looked at the municipal taxes and municipal user fees and said, "By gosh, they've all gone up as well, and it's pretty tough because we're talking about basics."

So I think the government saw that it could not sustain this politically. I was I guess one of the few people who—I was talking to a number of people the week before the Premier made his announcement in Mississauga and I said, "You will see this government do a 360 degree turn." They wouldn't believe me. They said, "No, no, they will tinker with it; they will tamper with it." My prediction was that it would be a complete turnaround on the issue. I think it was a political judgment that was made. Certainly, we're in the political milieu, I must say that, and it was a political judgment that was made at that time.

It will be difficult, quite obviously, to implement a lot of the provisions in this bill, but some of the provisions are in fact what some of us have recommended for some period of time. I think one thing has not been emphasized enough in years gone by—since the latter years of the Liberal government and the NDP government, where there was some effort being made even by Ontario Hydro, at the direction of government, to get involved in serious energy conservation. That's one thing we have to do. North Americans have not been easily turned on to energy conservation, though you will recall, Mr Speaker, back during the oil crisis I think of 1973, when the oil taps were turned off in the Middle East, we decided at that point in time, as a society that we would produce vehicles that would consume much less gasoline, and we looked at a lot of ways of improving our efficiency.

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There has to be a major effort made in that direction. The government has nodded to that in its bill. I don't think the government has gone nearly far enough, but I

think they recognize at long last that energy conservation—that is, trying to deal with the issue of demand—is going to be important.

Every one of us who sat on the select committee on alternative fuels commented on that. We had lots of alternative fuels being proposed and alternative forms of energy, and that was good. But one of the things we all recognized was the importance of getting involved in true energy conservation: individuals in their homes, their places of work, their personal habits trying to find ways to conserve energy. That's going to be important because we have to try to manage the increasing demand.

Second, we're going to have to bring on some alternative ways of producing electricity. One of the reasons I was attracted to having some new companies in the business was that in fact I saw that as an opportunity for what I call the green groups, the co-operatives and other small companies that could come on the grid and bring on green electricity. I don't think that's something Ontario Hydro or, as it's called now, Ontario Power Generation does particularly well. I know they have their one big windmill. It's more of a symbol than anything else.

But I must say there were a lot of small companies out there, people who are really concerned about energy conservation and alternative fuels, who had some good ideas. I would like to have seen them on the grid in addition to the major public power which would be Ontario Power Generation, be it a number of public power companies or Ontario Power Generation as it was.

We in St Catharines, for instance, have a generator that generates a small amount of electricity for our community. That's not Ontario Hydro, but it is allowed on our grid. There are what we call non-utility generators. I think a number of them came on stream when the NDP was in power. They were very expensive, but they did come on stream at that time.

We have cogeneration that can take place where large corporations, for instance, that are involved in an industrial field may use energy for themselves and when they're not using so much of it can put it back in the grid, and that makes all kinds of good sense.

Are there incentives that should be provided to try to get people interested in these things? Yes, I think those kinds of tax incentives and financial incentives can be useful. I may quarrel with the individual ones that are chosen by the government, but I think there is some merit in those.

It's very important, however, to keep Hydro One, which is the electricity grid—if you think of it like the 400-series highways—in public hands. I have a fear that the government, which will want to go into the election telling us they have a balanced budget, will in fact want to have a fire sale and sell, as they say now, 49%. At one time, they were going to sell the whole thing. Now it's 49%, and I worry about that. I think that's one that even people who like somewhat of an open market would like to see remain in public hands.

If they're going to sell it, one of the suggestions that has come to me—and some of my colleagues may have



seen the same thing—was, I've had smaller utilities say to me, "If they're going to sell Hydro One, sell it to us. We think the main transmission lines should remain with Hydro One," say these people in the smaller utilities, "but if you're going to do any selling, don't sell it to the private sector. Make sure we get a chance to purchase some of those transmission lines, the smaller ones that are out there." That's a possibility that you would have.

The only game in town now, practically speaking, is going to be Ontario Power Generation. Because of what has happened, government is now going to have to order Ontario Power Generation to do a lot of things they wouldn't do before. That's unfortunate because over the years—and some of my friends who have sat in government in the NDP, the Liberals and the Conservatives will remember—they were not always easy to deal with, Ontario Power Generation or the predecessor, Ontario Hydro. Many times I thought the information—let me put it, as we do, diplomatically in this House, Mr Speaker—they provided to governments was not always as accurate as we would like it to be, even to legislative committees. I can recall information which I could classify as factually incorrect that was provided to each of the governments. It's going to take a lot more direct control of this particular corporation to get the capacity on-line.

One was the announcement of Beck 3. What was interesting was that my leader, Dalton McGuinty, and I were down in the Niagara Falls area, and we were talking about this, looking over the Beck generating station that exists, and we said, "You know, we should proceed with the Beck project." Do you know what the answer was at that time? There were a lot of people who were making rather unkind remarks about that suggestion. Then I see, large as life, the fellow who was flipping the waffles during the campaign along with the Honourable Tim Hudak, the Minister of Consumer and Business Services—I think he was part of that—

**Hon Tim Hudak (Minister of Consumer and Business Services):** I don't remember.

**Mr Bradley:** He doesn't remember that. They have bad memories of those times. There he was announcing it. The local media asked me about it. Instead of being critical, I said, "Well, I'm quite happy to see them implementing Liberal policy, proceeding with a hydroelectric dam"—in this case, a tunnel, perhaps a new station, because there's going to be a study of whether the project can be enhanced from what is now projected. It's a project that was announced in 1998 by this government and cancelled after the election in 1999. I'm sure the timing was coincidental. But it's a good kind of project we have to proceed with. All the environmental assessments are done on it. It's a great thing. The planning and the engineering are done; they simply have to proceed with it. I was glad to see that after the new czar of alternative energy, the member for Scarborough East, denounced Dalton McGuinty and me for making this announcement—and even my friend from Niagara Falls, who I know in his heart of hearts was really a supporter of this, said it was impractical—well, a month or six

weeks or so later, they're down announcing it. I have to be happy.

Whenever I see the government adopting suggestions we have made, I have to say I'm not one who gets angry with that or is perturbed by it; I say it's good. When I see the government taking good ideas from the opposition and implementing them, even though they don't want to do it, even though they've been forced to do it, I think that's good; I'm happy about that. I'm not a person who is angered by that.

I think we had a lot of good suggestions in our select committee. The Chair is here this evening. He did a good job, I thought, as chair of that committee. We came up with a lot of good suggestions that, frankly, I want to tell members of the government caucus, would go a long way to meeting the Kyoto commitments. If you implemented all of the recommendations—I'm not saying it's easy to do that—in that report, you could easily, in my view, meet whatever targets we would set for Kyoto, because there were a lot of good suggestions in there. The Chair, who had a chance to speak for a couple of minutes in response a while ago, mentioned that in fact there were a lot of good suggestions, there was unanimity. Sure, we may have quarrelled about details, and we may still quarrel about some of the details. Nevertheless, there were a lot of good suggestions in there that, if implemented, would be very helpful.

I saw a situation where there was an obvious need for rebates for people who had really been hit hard by this: small business people, individuals on disability, people of low income, really, everybody out there who is having unprecedented high bills. That's why we in the opposition get up daily to urge the government to do so.

The cap is going to be on now. That will help people until the year 2006. I think we know that's going to be a cost, because it's not going to be power at cost; it's going to be power below cost. So that will build into the debt, but the debt may be able to be managed in that regard.

I think we recognize that people were looking for that kind of stability. The government did not want to move in that direction; I understand that. It was very resistant, initially, to move in that direction, but it found itself in an untenable position. Again, I commend the public who voiced their concerns to all of us who are members of the Legislature about this and forced the government to take action.

I know that the local commissions are not very happy today, because they were given a set of rules to work under, and those rules have changed substantially at this time. A lot of them, of course, have to buy their electricity up front, and then they have to get it from their customers in the billing process. So a lot of them have incurred some considerable debt simply by having to purchase electricity at very, very high rates.

There's the issue of capacity out there, of generation, that's going to be important. Where do I think that can come from? Well, I think we can try to get a contract with the province of Manitoba again. I think we're obviously going to have to use some of Quebec's power

as part of it. We're going to have to generate some of our own power. I'm excited about projects that involve windmills, which will produce a lot more electricity than people think.

Solar power: another member of the committee is with us now and would remember that we saw examples of solar power where there were panels on major public buildings. I think the goal for governments is to ensure the electricity they use is green electricity, to the largest extent possible, setting up a renewable portfolio standard. All of these are areas in which we should move.

#### 2020

I guess we've had our fun, and we still have to have a little more fun, I think, because the NDP will want to be "holier than thou" on this, with perhaps a little bit of justification, they will say. But I think we have to move on from this now and say, "So how are we going to solve our problems?" Generating that capacity is going to be important. We're going to have essentially one option at this time, except for the green power, and that's going to be to order Ontario Power Generation to undertake certain projects. For instance, natural gas is going to play a role, not in the longest term; in the medium term. I think there's a recognition out there that coal is, as *The Economist* said—and *The Economist* is no paper if it's not a Conservative business magazine. In the July edition it said that coal was enemy number one of the environment. So we're going to have to get that coal phased out. I think we can do it by the year 2007. Others say it cannot be done, but I know the new czar of alternative energy will be working hard toward that goal because he was, on the committee—you're not supposed to tell secrets on the committee, but he was quite aggressive in the stance he took, and I was pleasantly surprised by that.

That's my contribution this evening. I hope others have a positive contribution to make to this issue tonight.

**The Deputy Speaker:** Comments and questions?

**Ms Martel:** I'm going to try and make a positive contribution. I like the member from St Catharines. He has been here for a long time, and for a lot of those years he had to deal with the former member from Sudbury East, and anyone who can deal with the former member from Sudbury East for a number of years deserves some credit.

I listened really carefully—I did, Jim—to what you were saying, and I have to tell you I still don't know what the Liberal position is on this issue and I'm trying hard. I don't think the green energy, which we do need, is going to deal with the supply problem. I think our supply problem is a whole lot bigger than that, and I'm not convinced that Pickering is going to be on-line in time to deal with this situation.

I also listened to you say very clearly, "Let's move on from here." That's what we've said, and our idea of moving on from here is to kill the dirty deal. Admit once and for all that hydro privatization and deregulation have been a colossal failure, an absolute failure. It has been a fiasco. It is only because rates went out of control and people were gouged so much that this government was

finally forced to respond. I think this government should go the next obvious, clear step, which is to say, "Do you know what? This experiment didn't work in California, it didn't work in Alberta, it didn't work in Montana or in the UK and it didn't work very well in Ontario either." Instead of using this bill tonight to try and cover up that fiasco, to try and cover up how people got gouged and would continue to be gouged under hydro privatization and deregulation, the obvious thing to do next, to move on from here, is to end hydro privatization and deregulation and return to a system of public power, where we know that supply will be stable, where we know that prices will be affordable and where we know that Ontarians will get electricity when they need it at a price they can afford.

**Hon Mr Galt:** I never imagined in my wildest dreams that there would come a day when I would actually agree with the member from Nickel Belt, but it's here this evening. She was referring to the member from St Catharines and his speech of some 20 minutes, and trying to figure out what the position of the Liberal Party is on energy. I listened as well, and I've watched. Even their Web site last Monday said, "Events coming soon," or "Position or policy soon to be announced." Well, the next day they bounced in a great big position. I don't know if they consulted or if they just dreamed something up, or if it was the one that was in fact on the Web site a week before. But again, and I hate to admit it, here is a party, the socialist party of this province, that actually had a position, and they had a bus and they really worked. The Liberal Party, I still don't know what their—they're flip-flopping faster than a bass on a hot dock in the middle of the summer. Dalton McGuinty changes his mind. You know what the position is while he's saying it, but you have no idea what it will be in another five minutes, in fact they'll have one.

I thought the member from St Catharines described the grid quite well, comparing it with a 400-series highway. I thought that was kind of neat. I thought he would have spent more time on alternative fuels. He was a pretty enthusiastic supporter of them. I know why he steered away from talking about what happened to the hydrogen institute back in 1986, when the Liberals came to power in Ontario. They dismantled it and all our scientists went to Vancouver. As a result, the hydrogen institute out there has taken off and hydrogen fuel for the future is certainly going to be a big issue. I do agree with the concern he expressed about coal. Certainly coal-burning plants are a big concern.

**Mr Mario Sergio (York West):** I have no idea if it's the arguments of the evening or if it's the hour of the night, but I'll tell you, after listening to my colleague from St Catharines, Mr Bradley, my throat feels much better. He has made such a wonderful, diplomatic summation of why we are here.

In a sense, what Mr Bradley said is that it has taken seven years of blindness of this government to bring them to their senses. In only a few months, the hydro issue has been sensitized to the point where the people



have said, "Enough is enough." What Mr Bradley has said to the government is that they had no choice. That is why we are here debating this bill today. The government has been cornered by the people of Ontario, from family members, family workers, farmers, small and medium businesses to seniors. Everyone in the province of Ontario has said to this government, "We've had enough. You've bungled this issue so badly that you've got to do something." Do you know why? What my friend Mr Bradley from St Catharines has been saying to the government tonight is, "Hey, you guys, you have no time. You have to do something."

So don't come here with this bill tonight and say, "We are ready to go. Give us your approval for second and third reading." Where have they been? You've been here for seven years, and now that the people have finally said, "Oh, my God, what are they doing to us?" you say, "Give us your approval, because the holidays are coming, spring is coming and maybe we will have an election. Then we may have another very hot summer; we're going to have a serious problem." I think you do, and the people of Ontario know it.

**Mr Tony Martin (Sault Ste Marie):** I want to comment on the speech by the member for St Catharines. I always enjoy following on his interventions in the House. He rightly pointed out that this is a very challenging undertaking, this whole question of what we do about Ontario Hydro and hydro in general in the province, and he made the comment that we would be "holier than thou." I want to suggest to him that that's really not what we're about here in this caucus. We know that it's a big challenge. When we were the government, we struggled with it.

We had Maurice Strong working with a good friend of mine, a neighbour and colleague, Bud Wildman, trying to come to terms with Ontario Hydro. We never for a second, though, considered anything other than public power delivered by the public sector. Even though at the time we responded to a different set of circumstances, an economy that was slowing down significantly, and made decisions that reflected that, we did on the other hand have a plan in place that would have seen the working down of the debt of Ontario Hydro over a period of time, because we believed that Ontario Hydro had the capacity and the ability to do that, given the opportunity, in a good economy, if we were focused and disciplined in that. We still think that that can be done; we think there are opportunities out there to generate more electricity using some of the potential across the province. It doesn't have to be nuclear. As a matter of fact, we'd prefer that we move away from nuclear altogether, and coal-generated. We think Ontario has the capacity to do that, publicly run, though, and in the public interest.

2030

**The Deputy Speaker:** The member for St Catharines has two minutes to respond.

**Mr Bradley:** I appreciate the moderate response of the member for Sault Ste Marie, who is always a very reasonable individual in this House in his response. I thought I was very clear in outlining all the good sug-

gestions that we had to deal with the electricity situation in the province of Ontario. I know that members who felt that perhaps it wasn't there will consult Hansard and will certainly see that.

I'm not going to read all of the things I'm supposed to say about the NDP in here because the member for Sudbury is speaking next and I don't want to provoke her too much. Her father and I probably both sat on committees that looked at Ontario Hydro over the years, and I'll tell you there were a lot of problems with that particular company that all of us identified and were critical of. We hope that that will change substantially as we move forward.

It's clear that we have to have more supply. As the members think, each of the interventions has been very helpful, if not always agreeable. We have to move forward and we are going to have to instruct Ontario Power Generation to move forward. There's some hope that some of the local utilities that we have in Ontario will continue to get involved in generation projects as well. We hope that, again, we can bring some power in from Manitoba. I know the NDP didn't mean to cut off that power from Manitoba and cancel that contract. It was because, I think, there wasn't a demand at the time that it happened, but that's something we can renew. I think in Quebec we can bring some of that in.

I'm very excited about the potential for alternative fuel. I think conservation has to be foremost in our minds in terms of reducing demand in the province. We obviously can't make ourselves uncompetitive by having rates that are way out of control. I think the rebate should be there and the rebate should be generous to the people who have been hard hit by this.

So I think we have to move forward from here. I am prepared to do that and make as many helpful suggestions as I can. I hope we have a select committee on hydro affairs once again to deal with matters of this kind.

**The Deputy Speaker:** Further debate. The Chair recognizes the member for Nickel Belt.

**Ms Martel:** I request unanimous consent to stand down the lead for our party.

**The Deputy Speaker:** The member for Nickel Belt would like unanimous consent to stand down the lead debate. In there consent? Agreed? It is agreed. The Chair recognizes the member for Nickel Belt.

**Ms Martel:** Thank you, Speaker. I'm sure some people had to think twice about that, so I appreciate that.

I hope the Minister of Energy is going to come back in here and listen to what I have to say because I had to suffer through about a half an hour of his remarks, and I'm sure he'd be very happy to suffer through mine because there are a few things that I'm going to say and I'm going to quote him a little bit here this evening.

But, you know, here we are; I have to say, "We told you so, we told you so, we told you so." How many times did we tell you, folks, Liberals and Tories, that Hydro privatization and deregulation wasn't going to work? We told this government all the way through the public hearings on Bill 35 through second reading, which we voted against, and through third reading, which we voted

against. In the last two years in particular, as we've been on our public power campaign, we have said it again and again and again, and I remember so many members of this government, the government House leader in particular, mocking us. Remember, Mr Martin? Remember Mr Stockwell mocking us, laughing at the prospect that energy prices would go oh-so-sky-high and people would be gouged oh-so-badly that this government would be forced to intervene in the way they have been?

Well, here we are, Speaker; here we are. We told you so. Because hydro privatization and deregulation hasn't worked in other jurisdictions. It has been tried. There was no reason that it was going to work in Ontario, and it hasn't worked. And here we are this evening, dealing with a bill that should be better called the "Failure of Hydro Deregulation and Privatization But We Don't Want to Admit It Yet Bill," or a bill that could be called the "Bribe People with Their Own Money Bill," or better yet, the "Dole Out the Dough Fast Enough to Take Us to the Next Election Bill," because what we're doing here tonight is proving, with this bill and its provisions, that hydro deregulation and privatization hasn't worked in Ontario.

The clearest indication we have of that comes from the announcement the government had to make on November 11 and comes in the form of Bill 210, which we are dealing with tonight. It's not the fault of Floyd Laughren that prices went up, as I heard the Premier of this province try and say a couple of weeks ago. It's not the fault of the weather that we've got high hydro prices. It's not an anomaly that we had a few really hot days and that's what drove the system out of control. It's not the fault of local utilities that we're in the mess that we are. It's the fault of this government for their philosophical bent which led us to the privatization and the deregulation of electricity—joined by my friends in the Liberal Party. I just had to say that. That's whose fault it is.

From our view and our perspective, it's not a question of incompetence. It's not a question of bringing it in badly. The issue is, it doesn't work and we should be here tonight with a bill that brings back public power that is accountable so that Ontarians, whether they're consumers, work in a hospital, work in a school, are farmers, work in big business, can be assured of a stable supply of electricity at cost. That's the bill we should be debating tonight.

The debate reminds me of the debate we had when the government deferred its tax cuts. You remember that, Speaker, in the budget of 2002. There was the Minister of Finance—and this goes back to the budget speech—saying on page 6 of the budget document, "Our government has pursued an aggressive tax cut plan for one very simple reason: tax cuts work." Then you go down three paragraphs and the Minister of Finance said the following, "In the meantime, because of our short-term fiscal situation, I will introduce legislation to delay, for one year only, the current planned reductions in personal and corporate income tax and the next step of the equity

in education tax credit ... We will also delay by one year planned reductions in education property tax rates."

The question then was, if tax cuts work so well, why was the government pursuing the deferral? If tax cuts work so well, the government in the budget should have been in here in June 2002 accelerating the tax cuts even further to get the economy working even further.

The debate we're having here tonight is the very same, because if hydro privatization and deregulation really worked, as the government says it does, we wouldn't be here tonight dealing with a bill that proposes massive intervention into the marketplace to bring prices down in order to stop consumers from being gouged. That's the fact.

If hydro privatization and deregulation really did work, we wouldn't be dealing with price caps; we wouldn't be dealing with rebates; we'd be dealing with a situation where the government was just going on its merry way, the competitive market was going on its merry way and everything would be hunky-dory. But the fact of the matter is, we're here tonight dealing with provisions to intervene because deregulation and privatization don't work.

I remember the hearings on Bill 35 because I participated in a couple of those. I remember the government saying—Helen Johns, the Minister of Agriculture, was the PA at the time—again and again in every community, "This government is firmly convinced that competition in the marketplace is going to bring hydro rates down." In fact, at every one of those stops our critic at the time moved a motion calling on the government to put that into the legislation. We said to the government, "If you're so convinced that competition in the marketplace is going to bring hydro rates down, put it in the bill. Guarantee that hydro rates will go down." Every single time we raised that, the government members voted it down.

The government members were long on rhetoric during that debate and very short on delivery because the fact of the matter is, since the market opened in May to where we were on November 11, it has been painfully clear and painfully obvious that competition didn't and hasn't brought down rates, wasn't going to bring down rates and the only thing that was happening was that people were being gouged left, right and centre.

**2040**

We said it wouldn't work. The evidence is very clear that it hasn't worked. We are here tonight dealing with all of those provisions to try and deal with this fiasco when in fact we should be dealing with a bill that brings back public power.

It is sad, sad, sad to see the minister, who is a true believer if there ever was one, it is painful to me to see the Minister of Energy, a true believer, be in the position he is, to have to defend this mess and have to bring in the kinds of provisions he has to bring in to cover up the mess, to cover up the fiasco.

I listened to some of his responses during question period, when he said, in terms of our questioning about what he was doing, on November 18, "The government



proposed a plan this past week to try to address the real concerns that a lot of working families in the province of Ontario had, not just with the heavy weight of the bill on their kitchen table—that's their hydro bill—"but with their real concerns and fears for the future as we approach the Christmas holidays and indeed next summer."

No wonder people are afraid. They started getting bills that were completely out of control, they had no idea how to pay for it, and all the time they were thinking in the back of their mind, "But this government promised me lower rates. That's what competition was all about. The government said my rates were going to go down." They're not only worried about the bill that was on the table. The minister was right: they were worried about the future, and they still are because all this bill does is try and cover up the mess and get the government through the next election. It doesn't deal with the root cause of the problem, which is that this scheme isn't working and is not going to work. So they're not only worried about the hydro bill, which this government now pretends it's going to deal with, but they are worried about the future. People know that we need to deal with the real problem, which is hydro privatization. As much as the government wants to cover it up and hide the fiasco, that problem isn't going to go away.

What else did the minister say? The minister said on the same day, "We're providing substantial assistance to the people in the province of Ontario." It must be painful for him to say that, because as a true believer he was one of those people who got up and said that people's hydro rates were going to go down, that competition was going to be oh, so wonderful. Now he's in the position of having to bring in legislation to provide substantial financial assistance to people because this scheme hasn't worked, the government plan hasn't worked, and now the public in Ontario, through their taxes, are going to have to pick up the pieces. That's how this works.

The government, after dealing with the rebates, has a lot of other problems they've got to deal with. They've got a huge supply problem. I don't think Pickering is going to come on-line on time. The government's got a real problem facing it this winter, I think. We saw the problem of six brownouts last summer on the very hot days. We're going to see another problem this winter on the very cold days, especially in the part of the province I come from. We don't have the supply of energy to deal with that problem. We're going to have brownouts again this winter, but it's going to be that much more detrimental to people because in northern Ontario at 30 below, if you don't have heat, you've got a serious problem.

But this government's also got a problem because one of its big friends in the private sector, British Energy, which is leasing the nuclear plant, is on financial life support. If it wasn't for the government of the UK now supporting them financially, they would be in a situation of bankruptcy. Isn't it wonderful how the private sector works? Don't you like that private sector investment? It's a good thing the UK government is supporting them right now or we'd have a serious problem in terms of the supply of power from that nuclear plant, wouldn't we?

The government also has a problem with market manipulation, because that's not going away either. That was one of the overwhelming problems we saw in California, which led to brownouts and blackouts because some of those private sector operators decided to have the plant down just a little bit longer, maybe a few days or a few weeks longer, so they could drive those prices up, so people got gouged even further. We still have that problem in Ontario under a privatized, deregulated market. We've already got companies that some of the hydro offshoot companies this government set up under deregulation are still investigating. That problem is not going away as long as we have a deregulated privatized market.

The stench of Enron hasn't gone anywhere. While the minister said we've had a problem in the last 18 months because the private sector hasn't wanted to invest and banks haven't wanted to invest because of the Enron scandal, that's not gone away either, and that's not going away. In a deregulated energy market, Enron-like manipulation occurs, and that's not going to go away under this bill. It's not going to go away until we get rid of deregulated power.

So the government's got all kinds of problems—in terms of supply, in terms of trying to attract new investment, in terms of market manipulation—and all of those things aren't dealt with under this bill.

What is clear is that we have before us a bill that really tries to bribe people with their own money. That's a real shame. I guess the government thinks they're going to be able to get away with that. I guess the government thinks that people are going to be so happy to receive their little \$75 rebate cheque—hopefully before Christmas, if this government has anything to say about it—that they're going to forget how much they were gouged and are going to forget that the \$75 doesn't even go halfway to dealing with the big bills they got in September, October and November.

While the government likes to think they're going to get away with it, I've got to tell about an experience I had in my own community. Just after the announcement was made on November 11—we were all home for constituency week and I was in my riding—I went to three of the post offices in my riding and handed out our new hydro leaflet, which says again that we need public power in the province of Ontario. I met two of the three people whose cases I had raised in this House. Cindy Bond, whose case I raised in this House, had seen her family's September hydro bill rise 62% in comparison to last September's bill. I said to Cindy Bond outside of the Capreol post office, "What do you think about the government's scheme? What do you think about your rebate?" She said, "I'm going to pay for that rebate one way or the other. It's going to come out of my taxes or come out of my property taxes. That's my money to pay for this mess." She's absolutely right.

Then I was up in Levack and I ran into Bill Henderson. I raised his case in this Legislature. Bill Henderson of Levack had seen his September hydro bill rise 36.3%

in comparison to his hydro bill last September. I asked Bill Henderson what he thought about the government's plan to have a rebate and he said to me, "Keep on pushing public power. That rebate's my money. I've got to use my money to pay for this mess. What we need is public power."

The only person I didn't see as I was at the post offices, and I bet his reaction would have been the same, was Mr St Amour of Val Therese, who last year paid \$75.05 for his hydro bill and whose October bill this year was \$408.13, a 543% increase. I don't think a \$75 rebate cheque is going to take Mr St Amour of Val Therese too far.

But you know what was interesting? At least in my community, in very different parts of my riding, three different communities, people hadn't bought in and they haven't been bought off. They recognize that the money the government is going to need to do the rebate scheme is their money, their tax money, or it's going to be money that comes out of municipal coffers in the form of higher property taxes as municipal utilities try to cope with this situation as well.

What I think is interesting is that the government has yet to tell the public just how much it is going to cost to do the rebate scheme to try and cover up this mess, try and cover up this fiasco. I think it was interesting that on November 18, our leader, Howard Hampton, raised this question in the Legislature with the Minister of Energy. He asked him very directly, "How much of the people's money will it cost you to hide the cost until after the next election in Ontario?" The Minister of Energy said, "To very directly answer the leader of the third party's question, our plan fully balances itself over the next 41 months." Well, I want to know what the cost is: \$1 billion? \$2 billion? \$3 billion? If you want to give me a direct answer, tell me exactly how much this government thinks it's going to cost to keep the price caps in place for the next four years and to keep the rebates flowing. How much moolah? How much money?

**2050**

What we do know from Alberta is that in Alberta it cost Ralph Klein \$2.3 billion for rebates before that Alberta election to try to bribe people with their own money; \$2.3 billion in Alberta with a population that's not quite as large as ours, but with the same deregulated and privatized scheme of energy. How much do you think it's going to cost here? I heard the Minister of Energy talking about \$3 billion, saying that we just thought it was small change. Do you know what? Before we're finished, it's going to be a whole lot more of \$3 billion of the people's money being spent dealing with rebates, dealing with the price caps, instead of this government doing the right thing and ending hydro privatization and deregulation now, because that's what this government should be doing.

Do you know the other interesting thing? It's a small thing, a very small thing. On that same day our leader asked the Minister of Energy if he would tell us how much money the government was now spending on their

television advertising campaign to tell people how the government is going to fix this fiasco. It was interesting that just last spring the government spent \$2.3 million trying to tell people how good energy privatization and deregulation was going to be for them, trying to tell them that prices were going to go down, that a competitive, open market was going to mean a reduction in their hydro rates. That was \$2.3 million spent just last spring by this government trying to convince people how good hydro privatization and deregulation is going to be.

Do you know what? The Minister of Energy refused to answer the question. I wonder why. I still wonder how much of the public's money, because it's public money again, is now being used so this government can flood the airwaves and try to pretend for people that they have somehow fixed this mess. People are going to pay through the nose for this rebate scheme and for the price caps. They're going to pay billions of dollars before this is all over, unless—and I think this is what the government might do, just like they did in Alberta—they pay the rebate, get some money into people's pockets and call an election. Then, if you get in again, you just cancel the price caps, you cancel the rebate and you let those prices rise again and you gouge people some more. That's what they did in Alberta. I'm really worried that's what this government is going to try to do here.

We should be here tonight debating one bill and one bill alone: the bill to return electricity to public hands, not-for-profit hands, so that we have public power once again in Ontario. That is the only way we can ensure that in Ontario we have a stable supply of energy, provided at cost, for Ontario business, for Ontario farmers, for hospitals, for schools, for colleges and universities and for Ontario consumers. That's what we should be doing here tonight. Kill deregulation; bring on public power.

**The Deputy Speaker:** Comments and questions.

**Mr Steve Peters (Elgin-Middlesex-London):** In comment to the member for Nickel Belt, she raised a number of points this evening, but I want to go on the record and make one comment. It's extremely interesting to listen—it's almost like a pinball game in this Legislature: the ball is bouncing around, and the Tories are blaming the Liberals, the NDP are blaming the Liberals and blaming the Tories, and it bounces all around.

I think one of the problems we have and one of the things the public is sick and tired of, quite frankly, is the fact that governments of all stripes have let Hydro One or Ontario Hydro, as we know it, run rampant. We haven't reined Hydro in. That's a really disappointing thing that has happened in this province. The NDP can stand up and knock the Conservatives and knock the Liberals, but we had an opportunity with the NDP when they were in power to look to Manitoba to help meet some of our needs. But what did the NDP government go and do? They cancelled those contracts. That's a shame.

We've seen the Conservatives just totally bungle this whole issue of hydro deregulation. It's interesting the spin they're putting on it, trying to twist it to blame our leader and talking about our leader's flip-flop. I've never



seen a government flip-flop so much in their lives as this Conservative government has. We're not the ones who brought in deregulation; you did. You try and twist it that we're the biggest flip-floppers in the world, but it's you.

The one thing I really agree with the honourable member on is this whole question of advertising, because we've wasted thousands and thousands of dollars again. Do the right thing, government: let's call an election on this issue.

**Mr Martin:** I want to commend the member for Nickel Belt on an excellent speech, very focused, to the point and informative on this issue. Her insistence that the bill we should be debating here tonight is the bill to return power to public hands is absolutely right on.

I want to talk just for a couple of minutes in support of that, about, as she suggested, the cost to the consumer of this whole fiasco. She mentions higher rates, and she's absolutely right. It's not just the higher cost of electricity; it's all the other costs that are built in now for transmission, distribution and on and on and all the different pieces that are added to that.

The price of the rebate: we don't know what that's going to be. It's going to be millions of dollars—billions of dollars, actually, before it's over. Then she mentioned very briefly the advertising campaign we all watched. Anybody who was watching the Super Bowl this weekend couldn't help but watch. Every 10 minutes there was a huge ad explaining away the new initiative—

**Ms Marilyn Mushinski (Scarborough Centre):** Don't you mean the Grey Cup?

**Mr Martin:** The Grey Cup. What did I say?

**Ms Mushinski:** You said "the Super Bowl."

**Mr Martin:** Oh, sorry, the Grey Cup.

**Interjection:** A Freudian slip there.

**Mr Martin:** Yes, the Grey Cup on the weekend. Oh, man, I got caught, eh.

Anyway, the Grey Cup and the advertising they were running about every five or 10 minutes—I couldn't even focus on the Grey Cup; that's why I probably forgot what it was. All I was watching were these damn ads that were just driving me crazy, knowing I was paying for them, that everybody across this province was paying for them. How long are those ads going to run? They're still running out there. How much is it going to take for you to convince the people that they should be feeling really good about you having your hands in both of their pockets right now because of this fiasco?

Talk to the people in Wawa. Talk to the guys I'm going to meet with on Friday morning from Searchmont resort just north of Wawa, ask them how they feel about this and they'll tell you in a hurry. They said they're not going to pay their bills.

**Mr Steve Gilchrist (Scarborough East):** The member opposite would like us to talk about a different bill. Unfortunately, constrained as we are by the rules, we're talking about the bill that's before us here today, Bill 210.

She conveniently leaves out of her discussion the fact that the inspiration for this bill is not some last-minute

reaction to the issues that took place this summer. In fact, the substance and the bulk of this bill relates to an initiative that actually started over a year ago, back in the summer of 2001, when the government commissioned the select committee on alternative fuel sources, an all-party committee I hasten to say, on which were representatives of all three parties. That committee scoured the world for the most up-to-date information on what other jurisdictions had done to promote the use of green power, wind power, solar, biomass, geothermal, as well as to promote energy conservation. It tabled a report in June this year with 141 recommendations that covered 20 different topics.

The government had 120 days to respond and I'm pleased to say that within that time frame we did respond. The Premier, the Minister of Energy and the Minister of the Environment made it very clear that we were following the recommendations in that report. We have already turned around, in a scant few weeks, those pronouncements and turned them into the very specific piece of legislation that's before us here today, legislation that promotes the use of green power by offering the most comprehensive, the most aggressive package of consumer and business incentives and tough new product standards in any jurisdiction anywhere in North America.

In Europe, wind power is *de rigueur*. In Texas and California they're moving forward with green power initiatives. Ontario will catch them, we'll beat them, and this bill facilitates that. It's going to lead us a greener energy future.

**2100**

**Mr Bradley:** I'm extremely pleased that the member raised one of my favourite issues, and that is the issue of government advertising. What we have to recognize is that it is taxpayers' dollars being used for essentially, I think most independent people would say, a partisan message. If you look at the tricky wording of it, the clever wording that the whiz kids around the government try to develop, you will see that it's essentially a political message, a feel-good message, a message that tries to convey the impression that the government is on the side of the people.

We have to recognize that this party has more money in its war chest than any political party in Canada, federally or provincially. It has more money, millions upon millions of dollars, in the war chest. How did they get that money? They got it by appealing to the wealthiest people, the most powerful people in the province with their policies. They've been rewarded with that money coming into their coffers.

But does this government use that money, which is the money of the Conservative Party? No. It uses the tax dollars of individuals in our community, many of whom disagree with government policy. But that's not really point. It's using taxpayers' hard-earned dollars to advertise on such things as the Grey Cup. You will see it on other programs where they think there's a large viewership. That's very expensive advertising, and that money is coming out of the pockets of consumers. This comes

from a government that decimated the Ministry of the Environment, that made huge cuts to government departments which were trying to do good work on behalf of the people of this province. They have spent over a quarter of a billion dollars on self-serving government advertising.

I'm glad the member included that as part of her speech. I thought, in fact, that was the best part of her speech this evening. I commend her and the member for Sault Ste Marie for raising that issue of government advertising. I hope she continues to do so.

**The Deputy Speaker:** The member for Nickel Belt has two minutes to respond.

**Ms Martel:** I want to thank the members for Elgin-Middlesex-London, Sault Ste Marie, Scarborough East and St Catharines for their participation.

I just have to say, with respect to the comments made by the member for Scarborough East, who tried to say that work on this bill began a year ago with the work by the select committee on alternative fuels, please. He has to be the only one in this entire world who believes that.

We are here tonight because this government is facing a crisis. That's why we're here tonight. In the last couple of months, people started to open their electricity bills, and people were blown away because they had very huge and significant increases in their hydro bills at a time when this government had just finished using our taxpayers' dollars to have ads on TV telling them that the competitive market, the open market, was going to be oh, so good and result in oh, so reduced electricity bills. That hasn't happened. In fact, this government was facing a crisis in the last number of months, and this bill is a result of this government trying to respond to the crisis.

I disagree fundamentally with the response, because what it does is keep private electricity, deregulated hydro, in place. That is the root of the problem. Deregulated hydro and privatized hydro haven't worked in other jurisdictions. We should have learned from the experience in other jurisdictions. We should have learned about the rebates that Ralph Klein had to hand out in order to buy the election. Instead, this government is going to use billions and billions of taxpayers' dollars to try to cover up the mess, to try to cover up the fiasco instead of recognizing that hydro deregulation doesn't work and instead of bringing in a bill that would bring us public power again.

Our party, the New Democratic Party, has been consistent. We oppose hydro deregulation and privatization; we support public power. That's what we need in the province of Ontario again.

**The Deputy Speaker:** Further debate.

**Mr Sergio:** I'd like to join the debate on Bill 210, an act that amends a number of other acts which deal with the pricing, conservation and supply of energy.

Let me say at the outset that if there is one issue out there that the people of Ontario, from young to old, from rich to poor, from working families to business people to seniors to farmers—everyone understands very clearly the particular situation we have with so-called hydro.

We are here dealing with this particular situation, and people are saying, "You know what? We are tired. We know where we are because we pay the bills." And who knows better than the ones who ultimately pay the bills? I don't have to tell you, because perhaps you yourself have received a number of calls or letters asking, "How come my bill is so high?" Small business people call and say, "Look, unless you guys do something, we won't be able to continue to pay these bills and continue to stay in business." Everyone has been affected and they are saying, "Do something." So perhaps, instead of going on and on, because people are saying, "We have had it with this issue ad nauseum. We want to see some stabilization of the situation, stabilization of the market, if you will. We want to be appeased. We want this particular situation alleviated that has been created, and we are still paying"—they don't want to know. The bottom line is, they're getting extravagant bills and they want something done. Maybe, instead of calling it the hydro bill which amends a number of acts with respect to conserving energy, we should call it the stabilization of the debt of deregulation, and get on with it.

What we have in this bill only tends to make people happy for a little while, and then we'll see, because it's full of uncertainties. I guess the questions that we also have to ask ourselves are, "What is it? How did we get here? Why, and where are we going from here?"

I don't think that the measures that have been suggested by the Premier in a very hasty way will alleviate the long-term fear of the people. We must be able to solve the situation that has been created and give the people the assurance that, yes, we can get through this winter and that, yes, summer is going to come, and I hope it's going to be a good, hot summer. After all, our people are looking for a good, hot summer so they can enjoy it. They're looking at our government to make sure they have enough provision, enough supply of that particular material that should be so rich here in province. So we don't have this long-term stability. We can't provide you with the content of this bill, that, "Yes, we will be assuring you that we will have a stable, long-term power generation in the province of Ontario."

We are here because this government for the past seven years has been too busy concentrating on privatization, selling and making sure that the big corporations get what they want. We have been creating more red tape than they took out. We are here because they fell asleep at the switch. They were thinking that by doing what they were proposing—selling, privatizing, splitting, selling Hydro One—they would solve the situation, they would keep the big corporations and their friends happy and they would provide on a continuous basis the amount of electricity to meet the needs of the people of Ontario: the residential, the commercial and the businesses, all together.

This is not new. This goes back to 1995, to the former Premier, Mike Harris, and then Minister Eves, and now to the Minister of Energy, and look where we are. This is a direct effect of the bungling, of the neglect of this



government when it came to dealing with hydro. They were too busy. They spent too much time concentrating on whom they were going to sell it to, how it will be split, how much we will sell, how we are going to privatize it. That was their main aim: deregulation. We knew it wouldn't work. We knew that, not because we had a magic wand, but because experience showed us it wouldn't work. And it didn't work. That's why we are here today, and that's why these hastily produced measures to appease the people of Ontario because of timing. And timing, I don't have to tell you, is of the essence.

2110

What did they do since 1995? My goodness, we had five years or more when the former Premier said, "Strictly privatization." It failed. It didn't go anywhere. We have a new Premier. They didn't know which way to go with the new ministers. How much time did they waste? Months. "It's on the table." "It's off the table." "We're going to sell 49%." "We're going to create a trust fund." "It's no longer for sale." "Yes, it is." "Maybe we'll join the private sector." "Maybe not." In the meantime, people were getting their bills and the pressure went on.

I have to tell you, we can rant and rave as much as we want, we can throw accusations from left to right and from right to left, but in the end, I think the people out there, the people of Ontario, are totally fed up with the way this government has handled a lot of things, but especially the hydro situation. We don't have to tell them anything any more. They are well aware of where they are and who's responsible.

Who changed their mind one more time is really immaterial. The question is, we have a government and we have a problem, and the problem was created by the government. Who introduced it? The government. Who told them it wouldn't work? Mr McGuinty, the Liberals, the NDP, the people of Ontario. But they kept marching on with deregulation. Finally, they realized they had nowhere else to go but to stop, take a second look, turn around, switch position, change their mind—that's OK. If compromise is the art of politics, then flexibility must be the art of listening to the people and of responsible government, for goodness' sake. So that's OK. Even the government is allowed to change their mind, as long as it is in the best interests of the people of Ontario. We are not saying this will solve the problem and that the people of Ontario are totally happy, but at least it's some measures.

I was appalled to listen to the minister say, "We've been fighting, we've been working, we've been listening to the working families, the farmers, the small business people, the seniors." Baloney. In the last seven years—and I promised myself that I would try not to raise my voice and lose it completely. I don't want to get upset, because I would upset the government side, and then we'd get into a brouhaha, and here's no need for that.

The people of Ontario know. They are saying, "When was the last time you spoke for the poor guy, the seniors,

the working family, the small business people?" You kept on going for seven years minding your own business. No one could make sense of you people. Now that the revolution is gone and the common sense is merely a blur in the past, they're saying, "We've been thinking of doing something for the people of Ontario." Baloney.

It is the situation. It is the timing. It is, if you will, the time we are in. They have no place to hide, no more time to run. The noose is getting tighter and tighter. So we may say, "OK. At least they are being responsible and listening to the people of Ontario." They've been paying through the nose, so now you're going to give them some of their own money back. You're going to keep them quiet. Well, it may be so. Some people out there may think so. I tend to agree with those people who say, "First you took it with two hands, and now you're going to give it back to us with one."

But that's OK; at least they are doing something. They are freezing the rates until 2006. That's OK too, no problem—anything that's good for the people of Ontario. Freezing the rates to 4.3 cents per kilowatt hour is OK. Not everybody is going to be happy with that, I can tell you, because a lot of people won't be getting anything. Not everybody is going to be getting that. People think, "Oh, everybody's going to get maybe \$75 and who knows what in the future." No, not everybody, because some people only paid 4.3 cents per kilowatt hour.

The problem is that there were so many other charges in there that affected the bottom line of their bill and, of course, there is no recourse on that unless the government goes after those companies and says, "You have managed to keep the hydro rate at 4.3 cents per kilowatt hour, but look at all the high charges here. What are we going to do about that?" No, the government is not going to do anything about that.

So, here we are. We are here today, but where are we going? Where are we going? Is the government proposing a solution where they are saying, "Well, we have created a mess, because now the generation stations are idle—they're not producing energy—and we're going to be using this for four years, until 2006, to create our own energy."

I think we have to send a message out there. I urge the government to send a message out and say, "Deregulation is dead; privatizing is dead; we are going to increase the generational capacity of our stations; we are going to produce more power publicly, with our funds, so we can have more power generation provided by us and in the domain of the people of Ontario."

I think we have to assure. I think it's important that the people of Ontario put their minds at peace and say, "Do you know what? It was a bad idea, but they are still flirting with deregulation or privatization. I hope, for God's sake, that they put an end to that and we get on with it, even if it's going to cost us some more money." It is going to cost us more money, \$300 million—the first batch, if you will. It's going to cost us \$300 million, let alone the damage that will follow, because we have no idea what the fallout is going to be.

But do you know what one major fallout is? Those partners, the ones in the private sector, in and out of the country, who were hoping to come into Ontario and build new generation, have seen the inaction of this government, the ineptness. They have lost confidence, and, let me tell you, they are gone. They are gone.

Unless this government picks up the ball and runs with it and says, "Mea culpa, we made a mistake, but let's go on from here. I think we owe it to our business community, we owe it to our people to produce our own energy and enough of it because we have the capacity. Let's get on with it"—let's proceed with that. I think we owe it to the people of Ontario and to the business community.

We could go on and on exchanging "Who blew it?" or "Who did what?" and running to damage control. We know that; I think the people of Ontario know. But we've got to get on with it, and the people of Ontario are saying, "We have the means. Let's do it." We had the means to build a wonderful highway, the 407, paid for by now, probably. With the value of that highway, we could have built another three highways. Can you imagine the wonderful things we could have done to improve this transportation mess in and out of Toronto, the GTA and many parts of Ontario with a few billion dollars?

2120

Before it gets worse, let me say to the government: you are where you are because of your own doing. It is something you cannot blame on the weather, on the opposition, on the market, on September 11. Let's get serious. It's something they had seven years to worry about, and they did nothing, so let's not blame it on that.

Let's get on with it and say that the best thing we can do is to produce enough of our energy at a cost that is acceptable to the people of Ontario. Let's get on with it. It is and it has been our position, as our leader, Dalton McGuinty, has been saying for a long time to this government, "No to the sale of Hydro One. Deregulation isn't going to work." Now that both of them are dead, he was right.

A long time ago, Mr McGuinty had the vision of telling this government how it would be possible to solve the situation without selling Hydro One. We came up with a policy. We told Mr Eves—we told Mr Harris—take it and run with it as long as you implement it without selling either one. There was no need to sell Hydro One. There was no need or intent to try to go that route. We have a policy. Mr McGuinty has expressed publicly what we would do with respect to—let alone the other issues of health care, education, all the other major issues. With respect to hydro, it is a major issue. I don't think, we on this side don't think—the government may think—this is an issue that is going to be gone tomorrow once we approve Bill 210.

I think the Premier and the government are making another big mistake. This is not going to go away unless it is addressed on a professional basis, with the people of Ontario in mind, by this government. Otherwise it's going to be here in the spring at, maybe, election time, or

in the fall at election time or in spring 2004 at election time. It's going to be here unless they take the bull by the horns and say, "Folks, it was a mistake. We were following a certain path that was not our own, but was the intent of others, and it was wrong. We understand that."

And that's OK. The people of Ontario are so benign that often enough they are willing to forgive and forget. I will leave it with this message, as I am getting short of speaking time. The people of Ontario are very benign, very understanding and very patient people. If the government were to come up with a reasonable proposal, a long-term solution where the people of Ontario could see the genuine intent of the government—come election time, maybe. Otherwise this issue is going to be here.

Dalton McGuinty, our leader, has said publicly and in this House what we would do as Liberals. We would do the right thing. Our position has been public. It's straightforward. It is solid. We would not go into debt with respect to hydro. We would produce our energy. We had the best environmental plan issued by any government. This will be our position as we move forward and as we deal with this particular issue.

**The Deputy Speaker:** Comments and questions?

**Ms Mushinski:** It's always interesting to listen to my colleague from the other side of the House. He and I used to sit on Metro council together and we shared a lot of common interests in terms of transportation issues. It doesn't really surprise me that he is trying to sort of avoid the inconsistency or, I guess, the other side of the coin as far as Mr McGuinty is concerned. It's interesting, and it bears repeating, that the last 30 seconds of my colleague's comments related to Mr McGuinty and what he believes in. It's difficult to know from one day to the next exactly what he does believe in.

For example, Mr Bryant on October 28, 2002, said, "Our position has not changed since 1997." But you look at the comments Dalton has made about the open market. The question was asked by the media, "What would you do?" Mr McGuinty said, "I think it's important that we move ahead with competition both in terms of generation and in terms of the transmission."

When you look at privatization, at private sector involvement in generation, "The only way we're going to get more made-in-Ontario electricity is to permit the private sector to come in and build made-in-Ontario electricity." Who said that? Michael Bryant on October 8, 2002. Exactly where do they stand?

**Mr Tony Ruprecht (Davenport):** I was listening very carefully to my friend from York West, and certainly to my friend from Scarborough Centre. In the past she always made sense, except now she's attacking Dalton McGuinty.

Let's look at the facts very quickly: the Common Sense Revolution woke up one day and they said, "You know what? There's a debt of over \$30 billion. Let's fix it." We said, "Yes, that's great. Let's have a look at it. Let's agree with it. Let's fix it."



The next thing they came up with was, "Let's sell Highway 407 because that is the way we're going to try to fix the hydro mess." What happened? Within one year that quadrupled. They should be ashamed of themselves for selling the 407 down the drain. The member for Scarborough Centre would know that so well. You sold the 407 down the drain. You could have made twice—no, three times—no, four times more money and you didn't. Is that good business? Is that a question of trust? No. If that is the way you're going to handle the hydro mess, then I say the member from York West is absolutely correct, that you can't be trusted.

You're pointing the finger over here. You're saying it's Dalton McGuinty who's changing his mind. You have made a big mess of hydro because you're going to go exactly the same way you did with Highway 407. But let's look at this. The first time you said, "We're going to make a refund."

*Interjection.*

**The Deputy Speaker:** The member for Scarborough Centre, come to order.

**Mr Ruprecht:** Why are you going to make a refund? Why are you giving us a refund? You know why? Because we pushed you into it. That's the reason you're giving people a refund. Your first adjustment was—it's going to cost us how much, the province of Ontario?

*Interjection.*

**The Deputy Speaker:** Member for Scarborough Centre, I'll not warn you again.

**Mr Ruprecht:** "It's going to cost us about \$700 million." Wow, way off. The next estimate that came in was over \$1 billion. The next estimate was \$1.8 billion. You tell us right now what the real cost of the refund money is you're giving to people. You give us the facts right now. You can't because you haven't even analyzed what it's going to cost us. This government can't be trusted—

**The Deputy Speaker:** Thank you.

**Mr Martin:** It's the second time today I've been able to speak following the member for York West, who comes to this House regularly to put on the record the concerns of his constituents, and so he should because the constituents of every one of us across this province are very concerned right now about what's happening in the hydro sector, in the energy sector.

They've seen their natural gas prices go up due to deregulation and privatization. They know what's happening in the gasoline sector because that's totally market-driven. Every time there's a long weekend, the prices go up. Every time George Bush talks about attacking Iraq, the prices go up.

Now in electricity many people are surprised that when you turn the system over to the private sector and deregulate it, you get fluctuation and mostly it's fluctuation up. It's increased prices for the commodity itself. You've now got people looking at their bills as the new bills come out, and they're realizing it's not just a commodity they're paying increased prices for but, as our leader, Howard Hampton, has said on so many occasions,

you're paying an increased price because there's now a for-profit portion of all of this on the cost of transmission, the cost of production, the cost of delivery, and on and on and on. The prices just go up.

**2130**

This government, instead of spending money on some of the transportation issues the member for York West spoke of in his jurisdiction, is spending it on advertising now to sell something, again, that is in complete contradiction to what they were marketing just a few months ago. The member for Nickel Belt spoke of that very eloquently here a few minutes ago.

The consumer is tired. You've got your hands in both of their pockets.

**The Deputy Speaker:** Comments and questions.

**Hon Mr Galt:** I certainly appreciated some of the comments that have been made here this evening. I heard the member for Davenport rant and rage. I never did hear what the member for Sault Ste Marie had to say, he spoke so softly and so low. I think he's ashamed of some of the policies and positions their leader has taken, although I do have to admit that his leader has taken a position. This is something the leader of the Liberals has not done. There has been no position.

All you have to do is look at their Web site. Last Monday, there was no position.

*Laughter.*

**Hon Mr Galt:** They can sit over there and laugh—

**Mr Peters:** I am laughing at you.

**Hon Mr Galt:** —but what they should laugh at is the position Dalton takes now, and then the position he takes 10 minutes later.

**The Deputy Speaker:** Order. You may laugh, but you can't talk. If you do it again, you're out.

**Hon Mr Galt:** I was just explaining when I had that bit of an interruption there about how the reporter the other day was asking Dalton about his position on power. He went away and came back 10 minutes later and asked him if he still had the same position.

On another occasion a reporter asked him, and this is pre-November 11, "What would be the right amount for a rebate?" Dalton said, "I don't know." Then the reporter said, "Well, you must have some idea. What do you think? What do you really think?" Dalton said, "I really don't know." What a position to take. He was very firm, he was very determined that he really didn't know. That was pretty obvious when you looked at their Web site a week ago Monday. It said something to the effect that the decisions or policy were soon to be on their Web site. Lo and behold, the next day they did have something there. I guess they instantly consulted overnight and did put one on there.

**The Deputy Speaker:** The member for York West has two minutes to respond.

**Mr Sergio:** My thanks to the members who have contributed remarks, especially the member from Northumberland—he's always on his feet answering and making comments, and that's OK; we accept them all—

and my good colleague from Davenport and the members for Scarborough Centre and Sault Ste Marie.

As I said, we can go leader to leader all we want, but let me say that there are times in the life of every government when it has to face the music. If they don't have an issue, they will try to fabricate one. If they don't have an issue, they will try to cause some crisis.

This is an issue which this government has not fabricated to go to the people of Ontario with. This is not a time when this government has created this particular crisis so they could go to the polls with it; it is not. It is an issue that perhaps even they themselves don't know how they happened to stick their nose into it. But they are there. It's the government. We have been trying to be

helpful with how to get them out of it for the benefit of the people of Ontario. They are still very adamant, and let me use the word "arrogant," a bit arrogant, as well, in failing to understand that we are in a situation—when I say "we," I mean the people of Ontario—and they don't care who says what, who did this, who did that. The only thing they know is that they are paying a very high price. We have seniors who don't know whether to pay their utility bills, buy drugs or buy food.

So let's get on with it. Let's do it right for the people of Ontario; I mean all the members.

**The Deputy Speaker:** It being well past 9:30, this House stands adjourned until 10 am tomorrow morning.

*The House adjourned at 2135.*



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## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

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Thursday 28 November 2002

Jeudi 28 novembre 2002

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 28 November 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 28 novembre 2002

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### EDUCATION

**Mr Gerard Kennedy (Parkdale-High Park):** I move that in the opinion of this House, the Ontario government should endorse a program based on Excellence for All, the Ontario Liberal plan for education, to reduce dropout rates and to assist the record numbers of struggling students that would include the following:

- Better support and better curriculum for the record numbers of students failing subjects in the new secondary curriculum.

- Special assistance for students who have not passed the Ontario secondary literacy test, with the goal of reducing failure rates by 50%.

- Raising the official school leaving age from 16 until 18, or until graduation from school or an equivalent learning program.

- Expanding co-op programs, vocational facilities, pre-apprenticeship and apprenticeship programs.

- A meaningful high school diploma that combines academic achievement and workplace experience.

- Establish a standing committee on education for the Legislature to annually review the funding formula's ability to meet the needs of Ontario students.

**The Acting Speaker (Mr Michael A. Brown):** Mr Kennedy has moved private member's notice of motion number 20. The member for Parkdale-High Park has 10 minutes for his presentation.

**Mr Kennedy:** It is my privilege to rise in the House today to draw attention to a little-understood problem in the education system. This is group of students, a significant body, who stand the risk, as we speak here today, of being left behind. The students we're talking about are, not exclusively but largely, those in the applied program, in other words, the program that is meant today to prepare students for college or for work experience after high school.

This is a group of students who in the past have always had some level of difficulty with the academic program but who were supposed to be considered and provided for very explicitly by the new program put forward by the government in 1999. All of the high

school was taken as a piece. The five-year program was made into a four-year program. Very explicitly this group of students, those who were struggling, were meant to do better, to benefit from this initiative.

So the provincial government and the provincial education authorities have created a new circumstance, and we stand here four years later to reckon with where that circumstance has taken these particular students. Unfortunately, we're not able to report an increased amount of success. The basis of the resolution today is asking for the House to recognize that in fact these particular groups of students have more difficulty now than they did under the old program, and they have for reasons we can understand, for measures we can actually respond to.

We are putting this forward in the spirit of recognition. It is a resolution calling on the Minister of Education to do some specific constructive things to recognize these particular groups of students. These are potentially 100,000 students who exist in applied programs currently today. We know from a report that was done, a substantial report commissioned by the government, delivered to the government in August—it only became leaked in October. It's by Professor Alan King at Queen's University. He speaks very explicitly about the increased risk, that students today who take applied courses are at a 50% higher risk of failing or dropping out than under the old program. What that means is that 64% of the students are not acquiring credits at a rate that would allow them to graduate. Under the old program, it was 43%.

I would say that this group of students, that represents about 21% of the kids in school today, should command our extra attention, and I have asked for the indulgence of the House to give them that attention this morning and to also support the endeavour on their behalf. We look at about 30,000 students who are taking applied courses in a single year, and about 122,000 from grades 9 to 12. If we take the approximately 30,000 in grade 9 today in total, 25% are going to drop out before they graduate.

Our objective here is twofold. As to the ones who are still struggling in school, we want to make sure they can be genuinely successful. Second, we want to make sure we can reduce the dropout rate. We have other indicators. We know that the literacy test that was put in place told us that 25% of the kids writing it weren't able to pass, weren't able to attain the standard put forward in that grade 10 literacy test. There currently are no special efforts underway to help those kids succeed. I would say to the people in this House who agree with the idea of a



literacy test or the idea of knowing where kids stand, what would possibly be the point of subjecting kids, young adults, to a test, some kind of measure of where they're at, unless we're going to do something about it? So the resolution today is about just that, is about the action that this Legislature needs to get behind in order for these kids not to simply spin off and be lost somewhere in the system.

We have in the House today one of 60 community co-sponsors of this bill. We went around the province and enlisted professional educators for their professional opinion: what do we need to do? Earlier this year in the House I talked about this Bailey bridges report, which a principal in Niagara did, and I'll quote from it a little bit later on. The title of that report is kind of the spirit of this resolution. We need to have what they called in the Second World War the Bailey bridge. When there weren't proper bridges in place, they built whatever there could be, and they called these Bailey bridges. That's the recommendation coming from educators. They're saying that where there aren't bridges standing, we need to put some in place. We need, I would propose to this House, to do that this year. These are kids who not only won't graduate; these are kids who could drop out, whose education and really their fundamental future could be compromised unless we act right now.

#### 1010

Now, there are members across who can perhaps give us chapter and verse about efforts that are being made. What I'm saying to the members of the House is, we must do better. What Mr Richard Christie, who came here this morning all the way from Fenelon Falls to support this effort, says is that as an educator, he is tired of seeing these students being treated as second-class citizens in the classroom. I think that, members of the House, if we're being honest, we often attribute academic struggle as a personal failure. I think that's the inclination, that's the bias we have in society.

Yet there are educators from every part of this province, and I recommend to the members of this House if they'd like to obtain a copy of the 60 co-sponsors we have from about 25 different communities around the province, to contact them—their phone numbers are here—to find out. These 50 teachers have told us about more than 2,500 students that would benefit directly.

There are about 100,000 students struggling, most of them in the applied stream, but not exclusively. What we're asking is for this House to do what needs to be done. How did they get in this state? We're not here in private members' hour to point fingers exclusively at the government.

Let's look at two things. Certainly there is a curriculum that isn't working for these students. It's what the Bailey bridges report has said, it's what the Queen's University report has said, it's what the literacy test results are telling us, it's what the math results are telling us—where 55% of the kids taking applied math are failing grade 9.

I would say that there's also the fact that circumstances have changed. Yes, we want the government to be responsible for the curriculum that it brought in, but also we can't afford any more to have a circumstance where kids drop out, where they don't reach their academic potential. So much of their future, so much of our economy, depends on them doing the best they can do.

One of the things we're proposing is that we take these kids much more seriously; that the kids who are going on to college, or maybe not going on to college or university, have a viable third option, and that option be started and accelerated within the publicly funded school system; and that we look for an expansion in co-op programs, in apprenticeships, and so on, and that we tell the public school system that's a serious endeavour that they need to be just as good at as preparation for university. We need to be doing that if we're going to have the success that is available out there in the changed conditions.

Fifty years ago, it was OK perhaps to have a school leaving age of 16. The real graduation age, as Mr Christie and others will tell you, becomes about 14. We need to be more ambitious than that; we need to be more intentional than that. We need to see that age being increased to 18 to allow kids not to be in the same classrooms they're in today, but to be in a learning experience that will benefit them. That's what we're asking the members of this House to endorse, is that further ambition—that what was good 50 years ago isn't the standard that we can aspire to today. We need to send a very strong signal that the young adults of today need to have those kinds of competing programs.

What do we propose that to be? We believe that for most kids it still means doing as well as they can academically, but we want them to develop as citizens. We want them to have an opportunity, the same one they get in many other countries, to find out what they're good at. That kind of learning can be done at the school in conjunction with apprenticeships, with workplaces, with an expanded co-op program. Many other countries use apprenticeships across a range of professions, not just the trades. We have an economic need to expand trades, but we also have opportunities in a number of other professions which could benefit those professions by preparing students by getting them to be in touch with their competencies.

Our current strategy is to leave these kids as an afterthought. This is an opportunity, today, for this House to do much better than that: to join with the aspirations of parents all around the province, to do something that is not just to the benefit of those parents and their kids to see those kids do as well as they can do, but which will benefit all the rest of the kids in school because, I can tell you, especially as the double cohort year is underway, teachers, principals and administrators are trying to find the resources to help these kids. They're giving attention to them, and that struggle is affecting everyone in the school. Conversely, they may be giving up or there may be just not enough resources to do it.

I can tell you again that this is an issue for all of society. Who do we think is going to become eligible for the community college courses that we so badly need, for the technicians, for industry, and so on, if 55% of the applied students that are supposed to be qualifying for that are failing their math courses?

There has been a 300% increase in tutors. There has been a burden on the private interest. We here represent the public interest, and we need to say strongly today that we will let no students be left behind.

**The Acting Speaker:** Further debate?

**Mr Gilles Bisson (Timmins-James Bay):** I want to leave the bulk of the time to Mr Marchese, our education critic on this issue—

**Mr Gregory S. Sorbara (Vaughan-King-Aurora):** And a good one he is.

**Mr Bisson:** —and a very good one he is. I want to put on the record a group of people who I think are forgotten altogether in this debate, and that is First Nations children. I represent, as my leader Howard Hampton represents, a large part of the province where First Nations communities are a very important part of our ridings.

I listen to this debate, and I can agree with the direction the member is trying to take on the motion. I don't want to go against what he's trying to say but I have to find some way to put on the record what is happening inside those communities. I just want to give you one example, and I want to bring to the attention of the members of the House the dismal state of education for many First Nations communities when it comes to kids in those communities.

I represent a community called Attawapiskat. The J.R. Nakogee school is a school that is situated in that community that has had to be abandoned because of diesel contamination underneath the school. The federal government has refused, for the last number of years, to address what to do with the school now that the school has been abandoned, and the children have been forced into portables, as you have never seen before. We have large overcrowding problems inside these portables.

We've got a situation where the federal government, who is responsible for education in the province of Ontario of First Nations' people because of the Indian Act, is basically not taking its responsibility seriously and, as a result, those kids are left to be out on their own, along with the rest of the members of that community when it comes to trying to find a way to provide education to those kids.

I received a letter by way of fax just recently from concerned citizens in the community of Attawapiskat with regard to this particular school. I don't have enough time in the debate to raise everything in this letter, but I can say that there is a hue and cry. There is a hue and cry from a number of First Nations communities like Attawapiskat that are saying, "The federal government has forgotten us altogether and they have made things worse by not giving our kids the opportunity to get good education by their lack of participation in trying to find

solutions to the problems in the education system in First Nations communities."

This particular school can't be allowed to be left like that. I just wonder, when we have a debate here in the Legislature, what role we can find as a province to try to respond to the many needs of the First Nations communities, in particular the one having to do with education.

I have had discussions with the Minister of Education for the province and she has told me that the province of Manitoba and the province of Saskatchewan are both at wits' end with the federal government when it comes to their lack of trying to find a solution to what are very serious problems in the domain of education for First Nations communities. So I just want to put on the record this morning, in a very quick way, that we need to find a way as a province to respond to the children of Ontario who happen to live on reserves.

It is not good enough for us as fellow citizens of these people to say, "Well, it's federal responsibility and there's nothing we can do as a province." They are teaching the curriculum of the province of Ontario in those schools and, as such, I believe we have a responsibility. I will be calling on the provincial government and the Minister of Education to work with the community and myself to try to find a solution to what is a very pressing, real problem in communities like Attawapiskat that quite frankly, if not addressed soon, could turn out to be quite disastrous.

I just want to put that on record in the House, because we'll be hearing about that a little bit later, but I know my good friend Mr Marchese is going speak at length on this particular motion itself.

**Mr Ted Arnott (Waterloo-Wellington):** It's a pleasure to have the opportunity to speak to this issue this morning in private members' hour. I want to respond to the comments made by the member for Parkdale-High Park, who is critic for the Liberal Party in the area of education. He has chosen with his private member's opportunity to highlight some of the plans the Liberal Party is putting forward in the Legislature and in the province in the area of education.

The Liberal Party has put forward a number of suggestions, and it is our understanding from preliminary study that we have done as a government that it would cost approximately \$3 billion to implement all of the Liberal education plans. What we heard this morning has not indicated to us how you pay for that kind of spending. Maybe that's going to be forthcoming later on this morning.

The Liberal plan simply does not measure up to the high standards that we have set for education in the province of Ontario. I think it's important to point out that the Liberals, in their Excellence for All education plan, say that they will invest \$1.6 billion over four years. That averages about \$400 million per year. This year alone we have invested as a government over \$560 million into the education system in Ontario. Let me provide the House with some examples based on the des-



scription of the member for Parkdale-High Park's resolution.

1020

First of all, he has mentioned the issue of curriculum. The government has responded to parents' concerns by providing a more challenging curriculum with specific, clear, consistent standards to enable students to get the skills that they need for success. This government is committed to providing students and teachers with the support and direction they need to meet the challenges of this new rigorous and relevant curriculum. We have committed \$370 million over five years to give teachers and students the support they need to implement the new curriculum. Over the same period, we have dedicated another \$80 million to provide other professional support and resources.

Boards and schools have a wide range of strategies and program options to support students who are struggling. For example, there are programs to assist in upgrading—credit-based upgrading courses; learning strategies courses; and literacy courses. For the year 2002-03 we have allocated almost \$500 million to help students achieve these higher standards.

Funding for students who need extra help includes almost \$3 million through the learning opportunities grant for such things as remedial reading programs, early literacy programs, which are programs targeted toward grades JK to 3, literacy and math programs in grades 7 to 10, summer school programs, and reduced class size for students at risk.

In May to June 2002, the government announced \$30 million to expand the early reading strategy to grade 6 and introduce the early math strategy.

There are a number of members of our caucus who also wish to speak to this issue, so I'm going to leave my comments at that. We certainly look forward to the debate that will take place over the next 45 minutes and certainly look forward to hearing what other members have to say on this important issue.

**Mr James J. Bradley (St Catharines):** I want to thank, first of all, and commend the member for Parkdale-High Park for bringing what I consider to be a very important resolution before this House identifying a specific group in the education system that is presented with a genuine challenge which, with some work by this Legislature, some work through the system, I think can be overcome, can be met. We can have some good degree of success following the recommendations the member has made.

I guess where I first saw the problem that existed—and we all knew it was in society and had been for some time—was when I was first elected. I was the critic for the field of correctional services. Gordon Walker was the minister of the day, and he brought the two opposition critics along. He was well ahead of his time for this government, of course. He was one of the real right-wingers in those days. Today, he would be a moderate. But I want to say that one of the things that I noted in touring some of the provincial correctional institutions

was, in fact, that so many of the people who were there obviously did not have the tools that an education system could provide for them to be successful in society. Many were completely illiterate; others had only the very basic skills available to be able to succeed.

Now, this is not to say that everyone who is in that circumstance is going to end up in a correctional institution, but I think it's safe to say that there's going to be a larger proportion of people in correctional institutions who are people who haven't had the advantages that an education system can provide or has the potential to provide.

We remember as well, some of us, that when you went to secondary school there were people who were in a stream called "10 terminal," and that meant that after grade 10 they were sent out the door into the world of work, often without the kind of education that would give them access to the good jobs in society. The member has identified many of the problems that are there.

The District School Board of Niagara is the school board which I am familiar with; it's in the Niagara Peninsula. The Bailey bridges Report was an excellent report that dealt with the study of the new curriculum, and the following finding was made in the report. I thought this was very telling. "What has become very apparent is that the new curriculum, while itself a necessary change, was hurriedly put together, poorly planned, implemented in an unworkable fashion and grossly underfunded. The results show ... that students are frustrated beyond belief, parents have disengaged, teachers are overworked and continue to feel unappreciated, books are scarce and resources are few." That was in April 2002.

That's obviously a frustration with the circumstance that confronts people who aren't necessarily going to either a community college or on to university but they're going to go into the workforce at some point in time.

The suggestions that are made in the resolution lend themselves to support by all of us in this House. Obviously we do need better support and curriculum for the record number of students who are failing subjects in the new secondary school curriculum. We have to be able to help those people out.

"Special assistance for students who have not passed the Ontario secondary literacy test, with the goal of reducing failure rates by 50%": literacy is so very, very important. It grows in importance as our society advances, as the years go on.

"Raising the official school leaving age from 16 until 18, or until graduation from school or an equivalent learning program": obviously the member is not talking about having all students in what you would call a regular classroom setting. There are special settings for students who work well outside of that traditional classroom setting and who can advance themselves and receive special assistance. It's a matter of allowing them that educational experience, either until they graduate from school or, as we say, an equivalent learning program or until they reach the age of 18. That will equip these

students far better than is the circumstance today as they head out into the world of work and out into society.

"Expanding co-op programs, vocational facilities, apprenticeship and apprenticeship programs": the people who will lecture us on this, I think with some validity, are people who come from some of the European experiences, where this is routine, where they recognize the importance of apprenticeships and getting people ready for the apprenticeship programs, where they understand the importance of vocational facilities and where co-op programs are routine. I must say I'm pleased to see those who will co-operate with the co-op programs; that is, those in business. Our business education council in the Niagara region, for instance, works with employers, works with the school systems and brings people together from all the boards of education so that these students have that kind of experience. We see it at the post-secondary level, but it's going to be important at the secondary school level in an increasing manner in the years to come.

"A meaningful high school diploma that combines academic achievement and workplace experience": I think people want to see that workplace experience given credit in terms of a diploma, that it isn't only the academic experience but also the workplace experience which is often so very valuable to those students.

"Establish a standing committee on education for the Legislature to annually review the funding formula's ability to meet the needs of Ontario students": I like the idea of a specific committee—we often call them a select committee, but in this case a standing committee—that will look at that funding formula. Many, many years ago, in one of my roles in the House I was the education critic. I sat down with Dr Bette Stephenson, and she was kind enough to provide a briefing to us. After that briefing on the funding formula in education, I can't say that I was still cognizant of all the intricacies of that formula. I don't know any Minister of Education who understood the formula. There must have been someone in the Ministry of Education who understood it, but that might even be questionable. So I think it would be good for a standing committee of the Legislature to assess the funding formula to see how it might be modified, to see if there's a need for an increase in funding or if there's a need to shift funding from one area to another in terms of the emphasis.

I want to say today that I believe this resolution, if it is concurred in by this House, would go a substantial way to improving the lot of students who are often forgotten in our education system. They have the same right as anybody else. They have a disadvantage in many cases because they don't have access to the top-paying jobs in our society. It is important that they be given a hand up, as people like to use that terminology, and I think the provisions of this resolution will do that.

What we need, of course, is a school system that has vibrancy, where you have teachers who are excited about going to work instead of being constantly criticized, almost tormented by criticism from this government.

I look forward to this resolution passing, hopefully getting some considerable support from all members of the House.

1030

**Mr Rosario Marchese (Trinity-Spadina):** I've got to say I agree with pretty well everything the member for St Catharines has said and pretty well agree with much of what the critic from Parkdale-High Park has said.

*Interjection.*

**Mr Marchese:** I disagree with two basic things, and I'll get to that, because I've got 11 minutes, mercifully, thank you. Two of the things I disagree with, Dominic Agostino, are, one, raising the official school-leaving age from 16 "to" 18, I'm assuming, and the other is funding.

The member for Waterloo-Wellington mentioned that. I disagree with 99% of everything else the member from Waterloo said, because he read the script. They wrote it for him and they told him, "This is what you've got to say." They can't leave those notes. They can't just throw them away and say what they feel. They write him a speech saying, "Oh, we put more money into the education system." It's laughable. No one in the province believes what these people have done. Everyone knows \$2.2 billion has been taken out of the education system—

**Mr Garfield Dunlop (Simcoe North):** Is that what it is?

**Mr Marchese:** You've got my buddy, who I think is a buddy from time to time. Where are you from, my friend?

**Mr Dunlop:** Simcoe North.

**Mr Marchese:** Simcoe North. He was saying something about my facts.

**Mr Dunlop:** Your facts are way out of whack.

**Mr Marchese:** My facts are way out of whack. Some \$2.2 billion has been taken about of the education system. Everyone knows about it, but the member over there, including the rest of the caucus who are sleep-walking through this entire political process, says I'm out of whack with the numbers. We've been cutting education assistants, special ed, ESL, music teachers and librarians. We're short \$1 billion in terms of teacher negotiations because the money's not flowing through and he says my facts are out of whack. You've got to wake up. You and your other buddies have got to wake up to the problem.

I know you put up Rozanski, to come up with somebody to help you out so you could cherry-pick a couple of ideas and say, "Ernie's got a couple of good ideas." I know you've done that. You know it too. Stop the game. Everybody knows—

**Mr Dunlop:** What do you have to say today other than nothing?

**Mr Marchese:** I know the bright lights are coming on soon. The member from Simcoe will be speaking very shortly. I'm looking forward to those remarks.

This curriculum has been introduced in haste. Everyone knows it except them. This is why it's so laughable. They don't understand educational curriculum. That's why they blah, blah throughout this whole process. Edu-



cation reform has been introduced at such a speed that every teacher in this province has criticized it, including the 25% to 30% of those teachers who voted for them, including those members.

Yes, the curriculum has been made tougher. No doubt about that. We agree with that. Yes, I've got some disagreement about how they did it, first in haste, and secondly, they started at the secondary level instead of starting at the primary grades, the earlier grades, as a way of logically building it up. They started it the other way around. How dumb these people are, and they don't even realize it.

They create two streams, the academic and the applied, and yes, the people in the academic stream will survive the rigour of the new curriculum, but the young people in the applied stream are not doing very well. What are they doing for them? Nothing. We know that, the teachers know that, the parents know that, and the Tories still blah, blah, blah about how much money they're putting into the education system and how much they're helping those poor kids.

I've got to tell you, Speaker, that those poor kids in the applied stream are not rich babies. They're not rich adolescents. They don't come from wealthy homes. They come from the working class. They come from poverty. They come from homes where there is a great deal of stress—financial, psychological and social problems that these people are doing nothing to help with.

Please, the next time you read your speech, throw it away and say what you feel. Don't read the garbage they give you, because it doesn't mean anything.

**Mr Dunlop:** The \$1-million-an-hour deficit you left us with. You don't want to talk about that, do you?

**Mr Marchese:** The \$1-million-an-hour deficit we left as a government. Here you have a government, with a good economy, throwing out \$10 billion every year for income tax cuts, and he doesn't speak about the deficit he's leaving in our health care system, the deficit he's leaving in our education system, the deficit he has caused to our water and the death that has happened as a result of the money they've taken out of the system. There's \$10 billion going out every year. You think nothing has suffered? They're blind to the problems. Everyone in Ontario knows the problems that have been caused by the deficit they have caused.

He laughs. He laughs at the Walkerton disaster. He laughs at the thousands and thousands of active parents involved in education who are not laughing about the cuts they're enduring. They're not laughing at that, but he laughs at it. In a good economy they have devastated all the things for which we, as a government, are responsible, including water, education, health and our senior citizens who are suffering from lack of funds in home care. And he laughs so heartily. I wouldn't laugh.

*Interjection.*

**Mr Marchese:** I know you're not laughing. I know you know you are in trouble politically, and it's good; it feels good. I laugh at that. I take pleasure in that.

**Mr Dunlop:** You should worry about yourself.

**Mr Marchese:** No, I don't worry about myself. I worry for the people. I don't worry for me; I worry for the people you have attacked. I worry for the vulnerable you have attacked, in a good economy. Imagine what you would have done if you had been faced with our recession in 1990. If you could devastate services in a good economy, imagine what you would have done in a bad economy. He laughs so heartily, the member from—

**Mr Dunlop:** Simcoe North.

**Mr Marchese:**—Simcoe North, my good friend from Simcoe North, Mr Dunlop, God bless his little soul.

Coming back to the Liberal resolution: I agree with much of what is said there; no disagreement. If you look at our plan, much of what they're talking about is in here.

**Mr Dominic Agostino (Hamilton East):** Have you guys released that yet?

**Mr Marchese:** We released it before the Liberal plan, for Dominic Agostino, in case he didn't know.

**Mr Agostino:** Did anybody notice? What if you release a platform and nobody comes?

**Mr Marchese:** Well, we're doing our best, Dominic.

I disagree profoundly with the Liberal position that says students should stay till age 18.

**Mr Sorbara:** You disagree?

**Mr Marchese:** Gregorio, it's a dumb idea, I've got to tell you. It's a dumb idea, boys. Keeping students till age 18 is not smart.

**Mr Bradley:** I'm telling Earl Manners.

**Mr Marchese:** Member for St Catharines, I know Earl Manners has taken that position, but it's not a smart one, I'm telling you.

**Mr Sorbara:** But 50 years ago they said that about high school: "Let them go after grade 8."

**Mr Marchese:** Gregory, let me explain. Give me a break. I've only got three minutes. Let me tell you the problem with this, all right? After age 16, if a student has a problem, a behavioural problem, a learning problem, other social problems he may have, intellectual or emotional, you're saying to him, "You're going to have to stay."

**Mr Sorbara:** No. Read the resolution. That's not what we're saying.

**Mr Marchese:** Oh. Oh? The resolution says yes.

**Mr Sorbara:** The resolution says there will be programs.

**Mr Marchese:** The resolution says, "Raising the official school leaving age from 16 until 18," although it should read "to 18," I'm assuming.

But your little Liberal book that you guys got says you're going to keep them there till age 18. I think it's wrong. If students have a problem and they need to leave or want to leave, you can't hold them back. I tell you, teachers are not going to be happy holding on to students who desperately want to leave or need to leave.

**Mr Sorbara:** You're misrepresenting the program.

**Mr Marchese:** No, siree. Maybe you need to refudge it somehow as you re-present your program. But I've got to tell you, if there is a problem, the way to deal with it is in the early years, not to try to hold them at age 16. The

expenditure of effort to hold them until age 16 is just a difficult thing to do. You are endangering the classroom when you're holding students who can't, ought not to be, do not want to be in that classroom.

In our plan, we propose—

**Mr Agostino:** You just want to give up on them.

**Mr Marchese:** No, Dominico Agostino, listen carefully. I have two minutes. The NDP guarantees “a training seat, academic upgrading opportunity, apprenticeship position or job placement assistance for every unemployed Ontarian, aged 16-18.” We say that in our plan. That's what you've got to do.

1040

We're not abandoning those kids. We're saying that you've got to give those opportunities. But to hold them in school, you're not doing students a favour—those who are leaving, those who are staying—and the teachers who need to teach them.

Here's my second problem with your plan. In your little Liberal book, you say you're going to spend 1.6 billion bucks. You say that you're not going to raise income taxes to get the money.

**Mr Agostino:** That's right.

**Mr Marchese:** Dominic Agostino says, “That's right.” He says they're going to get it from the \$2.2-billion corporate tax cuts you guys introduced last year. Here's the problem for the Liberals. The Tories have only cut \$700 million of that corporate tax; the rest has been deferred. So the Liberals are playing with 700 million bucks plus the tax credit that they say is \$500 million, and only a couple of million has been spent so far. They've got \$700 million for health, education, environment, social services, home care—whatever you can think of. They just don't have the money to keep their promises, I'm telling you.

*Applause.*

**Mr Marchese:** Please don't clap for me, member from Wellington, because I already disagreed with what you said.

I'm telling you, citizens out there, without reinvesting in education, we can't do what the Liberals are saying. It's a matter of trust. It's a matter of reinvesting. For that, you've got to say to the public, if you've got to reinvest, “We've got to go after somebody for the money.” Without that, you can't have the good programs the Liberals are talking about.

**The Acting Speaker:** Further debate?

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in this debate on this Liberal private member's resolution today. I'd like to start by talking—

**Mr Marchese:** Don't read the speech. Throw it out.

**Mr Miller:** Thank you very much, Rosario.

I'd like to begin by talking about the strike that's going on partly in my riding right now, the Simcoe Muskoka Catholic District School Board strike. We just this week passed legislation to end the secondary part of that strike. Although the third party did not on the first day, on Monday, give unanimous consent, I was happy to see that they did on Tuesday. It was really important that

those secondary students get back to school because they were looking at the possibility of losing their school year. So I was very pleased that all three parties agreed to the legislation and legislated an end to the strike as recommended by the Education Relations Commission, which had ruled that those kids' year might be in jeopardy.

There still is, though, the elementary strike which is going on in the riding. I'm hopeful that both parties will get together and bring an end to that strike. Whether they agree to mediation or agree to arbitration, I would certainly like to see an end to that strike for the benefit of all the students in my riding and the surrounding ridings that are covered by the Simcoe Muskoka Catholic District School Board. I certainly hope the parties get together and end that strike, because in a strike, really, nobody wins and certainly the students are the losers.

I would like to talk about some of the programs the government is doing in terms of expanding school/work opportunities. I would also like to mention that I do have four children in the education system: my son Winston in grade 8; Stuart in grade 10; our daughter Renée, who is in the double cohort year, grade 12; and our daughter Abigale, who is in her second year at McGill. So I am actively interested in what's going on in the education system. I have to say that they're getting a great education and are working hard at doing so.

This government has increased funding for the Ontario youth apprenticeship program, which I think is certainly a program that works. It provides very useful skills for those who try to get into a trade.

Ontario's tough new curriculum requires all school boards to provide co-op education, work experience and school/work transition programs. Through the Passport to Prosperity, a joint initiative of the Ministries of Education and Training, Colleges and Universities, and 26 business education councils, the government is seeking to expand opportunities for students to participate in programs such as co-op education, school/work transitions, job shadowing and the Ontario youth apprenticeship program, and increasing employer involvement in these programs. I think that's really important.

It's nice to hear that the Liberals would like to see a meaningful high school diploma that combines academic achievement and workplace experience. In fact, the new high school program does include both academic and workplace preparation.

Students currently earn credits toward the Ontario secondary school diploma through a combination of school and workplace-based learning experiences. Some choose co-op programs to test out specific career options, some choose school/work transitions to prepare for entry into workplace opportunities or specific college programs, and others choose the Ontario youth apprenticeship program to get a head start on their apprenticeship career.

The ministry provides two certificates for students who leave school before earning their Ontario secondary school diploma. I think that's important. The grade 10 literacy test is not a requirement for either of these certificates.



In addition, the ministry is piloting the Ontario Skills Passport, which provides clear descriptions of skill requirements for entry-level work in today's labour market. The skills students demonstrate in work placements are documented by employers using the Ontario Skills Passport. I think that's important, and we're working with employers to provide real jobs and find occupations that people enjoy and find fulfilling and worthwhile.

I'd also like to talk about our standing committee on education. Our government has listened to the concerns of Ontarians about the student-focused funding formula. We have worked consistently with our partners in education on working groups and committees to refine the funding formula. We have implemented many of the recommendations of these working groups and committees. For example, this year we implemented the recommendations of two working groups: the working group on the learning opportunities grant and the working group on declining enrolment.

This year, Dr Mordechai Rozanski, president of the University of Guelph, is leading the Education Equality Task Force in a review of the student-focused funding formula. Dr Rozanski's recommendations will ensure that student-focused funding continues to promote the principles of fairness, responsiveness to student needs, and accountability; that the stability of the education system improves; that the constitutional and statutory framework for education in Ontario is respected; and that the fiscal situation of the province is taken into account. I think that's an important point, because that's something the Liberals usually do not take into account as they promise more and more different programs that they don't really figure out how they're going to fund.

I think the funding formula makes sense in this province, and of course across the country many different areas use the funding formula. I speak coming from the riding of Parry Sound-Muskoka, where if you're in some of the rural areas they don't necessarily have a huge tax base. I think it's a wonderful thing that no matter whether you're from a poor area of the province, you still get a set amount of money going to you, the student, to provide equal opportunity in education. I think that's very important, that you don't have to live in a rich neighbourhood to get a rich education.

The Education Equality Task Force has listened carefully to our education partners to help us identify the best way to fund school boards. The task force has met with more than 900 presenters. There were 25 days of presentations and approximately 775 submissions.

I'm using up most of my time, and I know the member from Simcoe North would like to speak, so at this time I will allow time for him.

**Mr Mike Colle (Eglinton-Lawrence):** I'm certainly here in full support of the resolution by my colleague from Parkdale-High Park. He has a profound and deep interest in helping students in this province, who have been in a whirlwind of upheaval as a result of this government's reckless education policies, which were a formal part of their political agenda. We know they were

proud to say that they were going to put education into a crisis. The original minister was true to his word, and the ministers who have followed are still following that path of crisis. We've got this latest minister now who has torn the Ottawa, Toronto and Hamilton schools into total upheaval with these appointed so-called supervisors.

Frankly, parents are totally fed up with this government's callous, reckless approach to education. They've gone through this not for one year, two years, three years; they've gone through this for almost eight years.

In my riding of Eglinton-Lawrence I've got some of the finest schools in Canada, I think. They've been made into these excellent educational institutions because of the hard work of the whole community, including the parents, the janitorial staff, the neighbourhood, the local elected trustees, all the volunteers. They've made these schools, like John Ross Robertson, Allenby school, John Wanless, Lawrence Park, Blessed Sacrament, Ledbury, Regina Mundi—these are superb schools, but they have had a heck of a time coping with the upheaval. This ludicrous funding formula, which from day one was not workable, this one-size-fits-all formula was something this government imposed without ever looking at the impact. It's taken three years to come up with some kind of task force that's basically going to finally say what everybody said three years ago, that the formula was a farce, that it didn't pay attention to the individual needs of schools in urban centres, rural areas or special-needs schools.

**1050**

I think it's time to support an attempt to get rid of the education deficit in this province, because our educational institutions, whether they be at the elementary or the high school level, are resources we should feed, not starve. We shouldn't be using them as political footballs, as they've been used for seven or eight years. They have kicked around the teachers, and now they're kicking around the elected trustees. Then they kick around the janitorial staff, and then it's the parents' fault, and then it's the students who are at fault.

Frankly, everybody's fed up with this confrontational conflict, this bulldozer approach to education. That's why I support this resolution that talks about the fact that parents, teachers and students have a lot to offer in making our education system work so that we produce good citizens, well-trained people for the workforce, people who contribute to society, whether they be doctors, artists, musicians. This is what people like Ryerson wanted to do with public education. This government has been almost hell-bent on destroying that.

I look at a perfect example of what we can achieve by supporting students in our schools. There's a school in the west end of Toronto where my brother teaches. It's called Archbishop Romero high school, in one of the most challenging areas in Canada. The parents of the children, the high school students in that school, come from every part of the world. They speak every language conceivable. Many of the parents of these students have two or three jobs. The students themselves have two or

three jobs, but they come to this high school in great harmony and with a great sort of vigour to learn.

I'll give you an example of one of the things they're doing in that school. Archbishop Romero is near a very polluted creek called Lavender Creek, which is adjacent to Black Creek. They've been in that creek. These are so-called teenagers we always like to beat up on. They're in there with their rubber boots pulling out shopping carts, steel drums and mounds of garbage. They're testing the water. They're writing letters to the Ministry of the Environment asking for the water to be tested. They're begging the Ministry of Transportation to clean up the garbage because a lot of the property adjacent to Lavender Creek belongs to the Ministry of Transportation. They have left garbage on the banks of Lavender Creek for the last 10 years and refuse to clean it up.

These students are using global positioning devices. They're mapping the area. They're bringing in heritage experts. Again, these are young boys and girls, 13 and 14 years of age. They're doing phenomenal things, trying to clean up a creek. They're totally engaged, totally involved. They feel strongly about this because it is in their backyard. They're making their community better. They're learning things. You should see them mapping on the computers. You should see them going through the analysis of the water pollution that's taking place. They've been marking the outlet areas for pollution.

Yet this government does nothing to help those students at all. In fact, do you know what it does? It imposes on those students that literacy test they all have to take in grade 10. Do you know what happens when they write that literacy test? There's a very high rate of failure in that school. Every time they get the results, the whole student body is demoralized because they do poorly on the literacy test. So this government is blaming them. Do you know why they do poorly on the literacy test? It's because 90% of them do not have English as their first language.

This government punishes these students, demoralizes them with this test that's a one-size-fits-all, that doesn't take into account that maybe the students who live in one part of the province or the city have a different cultural background, language background, linguistic background than students who may live in Leaside or Windsor.

This is the type of callous attitude this government has. Rather than giving students a pat on the back, rather than saying, "We're here to help you. We're here to appreciate you. We're here to get you through the rough spots"—no, they're there to be punitive. They're there to basically say, "Listen, kid. You didn't make it. You're going to have to drop out. You don't count." That's what the kids say: "The government doesn't think I count, and I think I'm going to drop out, sir."

Let's stop this recklessness. Let's start looking upon these students as human beings who deserve our help rather than our attacks.

**Mr Dunlop:** It's a pleasure to rise this morning to say a few words about the resolution of the member from Parkdale-High Park. I want to leave about a minute and a

half for Mr Barrett to put something on the record as well.

I guess the people in the province of Ontario are going to have some tough decisions to make in the future as we start talking about the platforms of these political parties. The first thing I'd like to say is that we've been following very closely the Liberal promises and the flip-flopping and the dodging of questions here, there and everywhere across the province. The fact of the matter is that right now people in the province of Ontario are looking at about \$14 billion in extra expenditures promised by the Leader of the Opposition. That works out to be about \$1,250 or \$1,300 for every man, woman and child in the province. I guess their explanation will have to be, "Where are we going to find \$1,300 for every man, woman and child in this province to make up for our promises? Do we go into huge deficits again?" We had our buddy over here who doesn't care about deficits. "Are we going to raise taxes?" We know you voted against every tax cut that was ever made here. Or are you going to cut programs? Or are you just not going to deliver on your promises? That's what I would expect to happen.

*Interjection.*

**Mr Dunlop:** The member over here from wherever he's from, chirping away as usual, has always made a few comments. But the fact is that I expect it'll be something like what we're probably going to hear this afternoon under the Romanow report. The Romanow report has come out—

**Mr George Smitherman (Toronto Centre-Rosedale):** It came out an hour ago.

**Mr Dunlop:** Yes, and I understand they're asking for \$7 billion. Everyone knew we were being shorted by the federal government, and already they're saying, "We'll phase it in" over how many years. That's what will happen, because we know that's the type of promise they carry on with.

Second of all, I want to say something about our school boards. Since I've been a member elected here in 1999, spending in the province of Ontario's education system, the money that has been transferred to the 72 school boards, has gone from \$13.16 billion to \$14.25 billion.

*Interjection.*

**Mr Dunlop:** You know that's not true. To stand there and say that, you have no idea what you're talking about. The fact is, education spending has increased. My two major school boards in the county of Simcoe have now passed half a billion dollars in spending for the first time in history by those two boards, the Simcoe-Muskoka board and the Simcoe Catholic board, and we're pleased with that.

As a former parliamentary assistant to the Minister of Education, I've visited a number of schools throughout this province. What bothers me is the fearmongering I hear from the other side, both parties. If you've ever been in a school, you'd see the spirit that's in the school; you'd see the discipline that the teachers have; you'd see



how well the students coordinate and how well they perform. It's very, very disappointing to hear this fear-mongering continue.

*Interjection.*

**Mr Dunlop:** I'd like to turn over the last little while—I know I'm getting under their skin because they can't stand the truth—to my colleague the member for Haldimand-Norfolk.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I appreciate my neighbour making mention of the work we've been doing with respect to finding solutions to closing rural high schools. I've been fighting these high school closures with a number of communities for a number of years. Burford, for example: we lost that school. It did not open this spring. I worked with high schools in Port Dover, Valley Heights and more recently with Delhi. There have been very heated discussions of late in the community of Delhi. A citizens' group has established a petition to ask for a moratorium on school closures, and I have also created a petition to that effect, which members will recall I tabled several weeks ago, and most recently tabled both petitions yet again yesterday. Despite what people may hear or read in the media, I was the first one to call for a moratorium on high school closures. I did that on February 8, 2000, well before any member opposite—

**The Acting Speaker:** Thank you. The member for Parkdale-High Park has two minutes to respond.

1100

**Mr Kennedy:** I appreciate the participation of all members of the House. I regret a little bit the limitations of this format. I hear from the government members and they want to say everything is OK. I appreciate that, except this is a little bit too important. We stand as members of this House, at a certain, particular point in time; these kids are trying to graduate this year. This House, whatever its strengths and weaknesses, was the source of a lot of their extra difficulty. We're not saying that the government of the day invented struggling kids. But it is obvious, on the evidence that this government itself pays a lot of money to collect through literacy tests and so on, that these kids are struggling. Why spend \$31 million to find that out if you're not going to do something about it?

We need a signal, a message from this House to those kids. Their parents do everything they can. There's been a 300% increase in private tutoring in this province in the last five years, and they're paying it out of pocket: people like Lee Franzak, who has two kids and pays \$300 a month to tutor them. Most families can't do that. Publicly funded education needs to pick up the slack. The students are there. I want to reference Richard Roy, who's in grade 11, and he had the courage to tell us his marks have dropped from 69% to 54%; the concepts are too complicated, the curriculum is moving too fast, he doesn't have a textbook and they're giving him photocopied stuff. Mr Roy has the courage to stand up. He needs our assistance here today.

We have dropout rates that we simply can't afford. We can't have, from this House, a message of condemnation for kids who need to go forward. There have to be corrections that occur this year. We've put forward a plan. The school moratorium was a different part of that plan. But to the members opposite who talk to us about cost, I say to them, can we afford not to act and make these kids fully part of society? Give them some success. See them get a message from this House that they belong and that we believe, despite the extra barriers we've put up for them, that they will finally succeed and not be left behind.

**The Acting Speaker:** This completes the time allocated for debate on this ballot item. I will place the questions needed to decide this at 12 o'clock noon.

#### ONTARIO ELECTION DATES

**Mr Gregory S. Sorbara (Vaughan-King-Aurora):** I move that, in the opinion of this House, the Ernie Eves government be directed to bring forward legislation to establish fixed election dates as outlined in the Ontario Liberal Democratic Charter.

**The Acting Speaker (Mr Michael A. Brown):** Mr Sorbara has moved ballot item number 62, private member's notice of motion number 19. The member for Vaughan-King-Aurora has 10 minutes for his presentation.

**Mr Sorbara:** I'm pleased and delighted to be moving this resolution and to be speaking to it in this private members' hour, really for two reasons. First of all, under the circumstances that govern my daily life, I do not get as much opportunity as I would like to participate in the debates in this place. Secondly, and more importantly for me, this resolution is extremely important. As a democrat and a parliamentarian and as someone who believes in our responsibility to, in an ongoing way, reform our democratic process, it is something that is extremely important to me.

The essence of the resolution is simple, that is, that it is our responsibility as parliamentarians in Ontario to be constantly reforming our democratic system so it remains vibrant and strong. I was so pleased when our leader, Dalton McGuinty, the member for Ottawa South, put forward an entire package of democratic reforms, which we will be moving forward with after the next election. Anyone who wants to review those in detail can visit our Web site to do that.

The essence of what I hope to achieve here—our system is falling into significant disrepair in Ontario. Democracy is not strong in Ontario. If I had longer, I would make that same argument at the national level and right across Canada's 10 provinces. It's our responsibility to change that; that's the first point.

The second point is that in our system, the real problem, as it is in so many other systems, is that the power is being concentrated year by year, decade by decade, increasingly in one person. In Ontario it's the Premier; it's Ernie Eves. The power of this Parliament, the power of

other components of our democratic system, is wasting away, and government after government continues to vest more power in the Premier. I would venture to say that cabinet ministers in this government feel powerless to achieve their objectives. Certainly in this Parliament, the frustration of members of this Parliament is almost breathtaking in their inability to actually achieve and participate in democratic decision-making. I have the advantage of having sat here for 10 years beginning in 1985. On my return in 1999, frankly, I was shocked at how increasingly irrelevant what happens here has become to the life and times and democratic rights of the people of Ontario.

Now, we can't change all that with the reform that is the subject of this resolution, but we can go a long way. I say to my colleagues in this House, the only way to redress the balance of power that Ernie Eves, the Premier, vests in himself is to start to break up that power and put it elsewhere. This resolution is magnificent in its simplicity. Take away from the Premier the power to decide when the voters of Ontario shall have the right to be consulted and go to the polls. Take that power away from him and vest it in our constitution and have our constitution set fixed dates for elections—in our proposals, every four years. Think of the variety of ways in which things would change if that happened. We know that an election is coming up. Only Ernie Eves knows when that election is going to take place. The former Premier Bob Rae described it as the divine right of Premiers to decide when the people shall be consulted. That right belongs with the people, not with the Premier. If we break up that power in the Premier's office in this small way, then the abuses committed by this government and former governments in trying to manipulate the public will change as well.

For example, we know that an election is coming up when Ernie Eves decides that the time is right because, as we watch our televisions every night, suddenly there are millions and millions of dollars being spent by the Ontario government in advertising to tell the people of Ontario how great they've been and how great they are going to be—millions and millions of dollars to try to manipulate the electoral process. If you take that power away from the Premier, this Parliament will also have the opportunity to regulate and moderate the government's appetite to abuse taxpayer dollars taken for that kind of manipulative advertising.

In addition to that, if you take that power away from the Premier, you give everyone in Ontario a fair opportunity to prepare in an intelligent and informed way, to reconsider which party and which government they want to have in power in Ontario. As president of the party, I spend a lot of my time talking to potential candidates who are interested in running for us. One of the most difficult questions put to me in that capacity is—they always say the same thing: "When is the election going to be? Because I would like to do it. I think I've got something to contribute." When you say, "Well, it may be three months away or it may be a year away. The Tories will do polling. They'll start spending, and if they

feel like the time is right, they'll pull the plug and Parliament will be dissolved and we'll have an election," invariably, the response I get from potential candidates is, "How in the world can one regulate one's life by that system?"

1110

I invite members opposite to consider just this. Ask yourself, if we were to institute this reform, if we were actually to change our system so that elections occurred every four years in Ontario by virtue of our Constitution and not the divine right of Premiers, which of you would be standing up after that reform and saying to your constituents and to the people of Ontario, "This is horrible. What we should be doing is putting that power to call elections back in the hands of one person"?

In our municipal system, we're quite content every three years to allow municipal councils to go back to their voters to seek a new mandate. It would be horrific in the city of Toronto or in any municipality to suggest that a municipal election should occur when the mayor thinks the time is right. That would be totally unacceptable.

So think of it in this fashion, and I'm sure members opposite, when they consider it—imagine that in Ontario each of us knew at the time of an election when the next election would be. Which of you on the other side would be standing up and saying, "This is horrific. We should no longer have fixed dates for elections. It should be up to the Premier of the province to determine when that should happen"?

This reform and the other reforms that are contained in our party's democratic charter—

**Mr Garfield Dunlop (Simcoe North):** We would be governors.

**Mr Sorbara:** My friend from Simcoe says we would be governors here. They're worried about the invasion of the American system. That is patent nonsense, I tell my friend. Our proposals protect all of the important parts of our democratic institutions as well as the possibility that a government would fall by losing the confidence of this House. These democratic reforms, when implemented, sir—and I tell you that they will be implemented—will put the democratic power in this province back in the hands of the people to whom it belongs, and that is the people of the province.

We're going to be putting severe restrictions on fundraising. We're going to put very severe restrictions on the government's ability to rob taxpayers of their funds with partisan political advertising.

But the one reform I am advocating here today and that I'm inviting my friends opposite to consider and support is that the power to manipulate and call election dates in Ontario must come to an end. That power belongs to the people. If we pass this resolution this morning we'll be taking a significant step to make our democracy stronger, and I commend it to my friends in the House.

**The Acting Speaker:** Further debate?

**Mr Gilles Bisson (Timmins-James Bay):** As the member of our caucus responsible for the democratic



issues agenda that we have launched and that we will be talking more about later, I want to be able to respond to this, and I know my good friend Mr Christopherson from Hamilton wants to speak about this as well.

I want to say, first of all, we will support this resolution. We think quite frankly that it's not a bad idea. The member, Mr Sorbara, is right when he says there's far too much ability for Premiers of all stripes—I will not just argue the current Premier, but Premiers before and, I would argue, Premiers after—to have too much power in being able to manipulate things when it comes to elections. The idea of setting a term or date as far as when elections should be called is not a bad one.

I also want to say to the government members across the way, it's not a concept that's too far away from the province of Ontario. We have set terms for municipal mayors and municipal councillors and school board trustees. The lower level of governments that gets their authority through this Legislature already have set dates for when elections are called and how long the terms are going to be. This is not something that would be out of the ordinary. I would argue that you need to have at least four to five years as far as how long the term should be—that would probably be the fair thing to do—and set the election date for a spring or fall election, considering Ontario for both geographic or weather reasons. We should be trying to pull the election off at a time where the weather is conducive to door-knocking and doing the kinds of things that we do during election time.

I think, however, that the resolution stops short on a whole host of issues when it comes to democracy, and I want to talk about that in some detail here this morning. But I just want to say up front that the issue of setting when an election is going to be called is not what's going to curb the power of the Premier. I think there's a whole bunch of other issues you've got to deal with when it comes to how you rein in the power of the Premier from exercising too much authority over elected members in the Legislature.

We know now that the problem we have under the current system—and it doesn't matter whose Premier is there, which political party—the Premier gets to appoint cabinet, the Premier gets to decide when the election is, the Premier is the head of the executive council and, as such, is able to exercise a lot of power, especially over his own caucus, by right of being party leader and head of the caucus at the same time. What ends up happening far too often is that members of the government—in this case, this government—basically don't have an opportunity to vote as they might want to vote because they're held, by the power of the Premier, from voting against. For example, if a backbencher who is trying to get into cabinet is seen as being critical of his government, critical of his Premier, the chances of getting into cabinet are pretty slight. So the Premier holds a lot of power over individual members just in that right.

That's why we in the New Democratic Party propose a much different approach to how this Legislature should work. The issue to us, as New Democrats, is not just the

power that's in the hands of the Premier, because the argument could be made that the Premier has to have certain powers. To us, the issue is how this assembly doesn't work. Currently what you've got are rules in this assembly that say the government can introduce a bill for second reading on Monday and by Wednesday it's all over. All you need is a time allocation on Thursday and a bill gets passed into law, with no committee hearings, no opportunity for public input, no serious reconsideration of the points in the bill. The government just does as it pleases, and there is nothing anybody can do about it because of the rules of this House.

That's why we in the New Democratic caucus are proposing a different approach to this problem. We believe that, first of all, you have to change the way the Legislature itself operates. One of the ways to do that is to do what is done in most parliamentary democracies in the world. In fact, 99% of them have what's called a system of proportional representation. That is, simply said, on election day the parties that get elected end up with an amount of seats as per the percentage of vote they got in the election.

For example, in the provincial election where, let's say, the Conservatives got 43% of the vote, the idea would be that they would get no more than 43% of the seats in the House. The reason behind that is, clearly the people of Ontario have said they support the government to a position of 43%, but they don't want to give them all of the power. They want to be able to take the direction of the government, but not a majority of the people in Ontario support the direction of the Conservative government. So by a system of proportional representation, the rest of the seats in the House would be apportioned to a party based on their percentage of vote, which means, at the end of the day, that we'd all have to work together.

If you take a look at, for example, the German system, at both their levels of government, in both the lower house and the upper house of the German Parliament, what they have is a system where, when electors go to the polls, they have two ballots. They have one ballot where they vote for the party and the other ballot where they vote for the local member. They count up the local members first. They say, "Here's who is elected to represent you in your riding," and you would do that just as we do now and, at the end, they would tally the percentage of vote for the party. Then they would top up those parties based on what they got when it came to the preferential ballot of the party.

That works rather well. In the case of Germany, for example, Schroeder won yet another government, but he has to form a coalition with other parties in the legislature of Germany in order to govern. So what you've got is a social democratic labour party that doesn't have a clear majority, that has to work with other members of the assembly to pass whatever bills come through their House. I would argue that's not a bad idea, and I just want to revisit a couple of very specific votes that we've had in this House where that might have made a big difference.

Let's just take the amalgamations of the cities of Hamilton, Toronto, Ottawa and Sudbury. We in this Legislature all know that every party in this Legislature had members on both sides of that issue. In our caucus we had a member who felt strongly that you should have moved toward the issue of amalgamation in his particular community. In other parties, such as was the case in the Conservative Party, there were members in their caucuses who disagreed, but because of party discipline members voted according to their own party lines. Because the government had a majority of the seats in the House, even though they didn't have a majority in the vote—they had 43% of the vote but over 60% of the seats—the government did what it wanted. To the chagrin of their own Conservative members, they ended up amalgamating cities, against the wishes of their own backbench members. I say, if we had a system of proportional representation in that vote, each member in the House would have had to stand up and vote accordingly, because then the onus becomes the onus of the member and no one party clearly has the majority. The government would have had to work with the opposition parties to be able to pass or have that legislation defeated.

1120

My basic point is this: I don't believe that vote would have passed, because almost all of the members, except for a few, were opposed to the amalgamation, and there were enough members in the government caucus who were opposed that, if we had been under a system of proportional representation, that would have never happened. The city of Toronto would have never been the big megacity it is today. I think probably we would have been a heck of a lot better off if that would have happened.

The same could be said for a lot of the other decisions that this government is making around the privatization of health care, of Ontario Hydro and of our school system by allowing charter schools to be introduced in the province. My argument is that under a system of proportional representation, the government could never have been able to pass legislation like that because clearly there were not a majority of members in this House who agreed with those basic principles. Therefore, if it can't pass here, then maybe it shouldn't pass at all. Maybe we are representatives of the people and maybe at the end of the day we can do our jobs better in representing what has to be done here in the Legislature.

I will support the member's motion because it is part of what I believe we need to do, but I think the bigger issue here is that if we want to curb the power of the executive and of the Premier, you really have to come at it from a set of rules. One of the basic ones is how we elect people in this province. We will be talking as New Democrats more about that as the winter goes on.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to have the chance to rise and respond to the resolution brought forward by the honourable member from Vaughan-King-Aurora and the Liberal Party this morning.

The resolution we are debating calls for fixed election terms of four years and is part of the Liberals' democratic charter. I could go on and on about how I feel about this democratic charter. Unfortunately, due to time constraints, I can only address the part of the charter that the honourable member has chosen to focus our attention on today.

I can understand the honourable member's sensitivity, as he was a cabinet minister in the Peterson government that went to the polls early, after barely three years, in 1990, after being elected in 1987. I read very succinctly in a book written by Ian Scott—who was the Attorney General of the day—that the member wasn't happy about that particular decision, and we know the decision resulted in the public throwing out the Peterson Liberals in 1990. I would say that democracy is working well in this province today because democracy is the public holding the government to account in an election. That's what happened in 1990.

Also, the member comes forth and says, "There's manipulation." I don't know whether he was referring to the fact that the federal Liberal government called an early election in the year 2000, after barely three years. Our record is that when we were elected in 1995, we called an election after four years, in 1999, with respect to getting another mandate, which we received in 1999. If there's any manipulation, take a look at the federal Liberal government.

Our current system is based on the long-standing tradition of the Westminster parliamentary model imported from Britain. That's what our model is based on. It's not based on the US model of fixed dates for presidential, Senate and Congressional elections. Our system has been in place since Confederation and has been used successfully by governments of all stripes. This resolution would mark a real departure from this model and signal the beginning of a system that only two jurisdictions use worldwide. That's right: only two other jurisdictions use the fixed term system—only two. Those countries are the United States and New Zealand. Not one other province uses such a fixed term system at this time. Why would we want to put ourselves in a situation that separates Ontario from the nine other provinces and the territories, let alone the federal government?

In August 2001, the British Columbia Liberal government did pass a bill that calls for elections on the second Monday in May every four years, but it has not yet come into effect. This bill comes into effect by regulation. These regulations are set out under order of the Lieutenant Governor in Council, and as of November 21, 2002, these regulations did not exist in British Columbia.

I am not sure if it is a reluctance to actually make this legislation binding, but it wouldn't surprise me. It just reminds me of the flip-flopping that the Liberal Party is becoming famous for. The Liberals claim that fixed terms would simplify election planning. But is this enough to justify overturning centuries of parliamentary tradition? In the United States, fixed terms are the norm rather than the exception. In contrast, British and Canadian parlia-



mentary tradition has long agreed with the idea that responsible government requires flexible election terms. This not only enhances democracy but makes government more accountable to the electorate. In the United States, fixed electoral terms often lead to situations where the executive branch of government finds itself in the position of a lame duck. Too often political parties are so focused on the next fixed electoral date that they ignore the important issues of the day, and unfortunately those issues are pushed aside.

We, on this side of the House, believe this would be an affront to our democratic traditions. The best check on government power is to have a non-fixed election date so that government policies are not dictated by a calendar. Policies will be determined by a logical assessment of the issues of the day.

This government is by no means afraid of change. The members on this side of the House are open-minded members and are always willing to entertain new ideas and suggestions to better the parliamentary system. Adopting this resolution is not the way to do it. I must stress that this government is committed to making the democratic system in Ontario more efficient and effective. For example, we brought in the Fewer Politicians Act to reduce the number of MPPs in Ontario from 130 to the current 103. This was done not because politicians wanted to give up their jobs but because the people of Ontario demanded a more efficient government, and we delivered.

We also decreased the length of campaign time from five to four weeks. By doing this, the cost of elections was reduced significantly.

Moreover, our government changed the boundaries of numerous ridings so that the federal and provincial elections could use the same geographical areas. This has made the administration of elections more efficient and has cut back on red tape.

As I'm sure the people listening have figured out from the tone of my speech, I will not be supporting this resolution. As stated previously, we on this side of the House are always looking for ways to better our current electoral system. This resolution would not benefit the citizens of Ontario.

**Mr James J. Bradley (St Catharines):** I want to commend the member for bringing forward this resolution for discussion by members of the House. I think there are a number of reforms that have to be made. This is one of them that will enhance the democratic process in Ontario. I agree entirely with the member, Mr Sorbara, who has noted the trend in all jurisdictions, but particularly here in Ontario, where we can speak about it, and to a certain extent the national level, of concentrating power in the Office of the Premier or the Prime Minister. The most powerful people, then, are not the people who are elected in the various constituencies but instead are the unelected political advisers, or whiz kids, as we like to call them, who advise the Premier and some of the ministers. So there's no question that we have to restore some significant autonomy for the elected members, and

I think this resolution is part of it. I think there is a package for it.

I've always noted as well that one of the really corrosive elements in the political system is money. We particularly see this south of the border, where members of Congress are virtually purchased by special-interest groups, particularly those which are well-financed.

I will start out by saying that I do not think governments should be able to spend taxpayers' dollars on government advertising. Anybody who turned on the Grey Cup game would see the government ads, which were clearly of a partisan nature to reflect favourably upon the government. Members can smirk about that if they want to smirk and be part of the government, but if they're looking at it in the democratic process, now and in the future, no matter which government is doing it and which jurisdiction, if you look at it, it is wrong for governments to use taxpayers' dollars for partisan advertising. That's what's happening in Ontario right now with the hydro policy that the government is attempting to share with the people of this province.

I happen to think there is legitimate advertising from time to time. Some safety things are reasonable, as long as it's not there saying, "and your government is doing a great job because it's bringing it in"—the flu vaccine, for instance. I used several instances where I thought there was reasonable government information provided. But so much of it that this government has been part of—it's a government that has cut so many departments and transfer payments to others and has hurt I think people in the lower income brackets but always has lots of money to spend on government advertising. I think that's wrong and that's part of the package we're looking at.

**1130**

As well as that, we allow individuals, corporations and unions to donate too much to political parties. We allow the political parties to spend too much money. I thought the last time this government changed the legislation, it allowed for more contributions to come in to individual candidates and parties, it allowed greater expenditures and it exempted some key parts of a campaign.

Also, of course, this government, which has millions upon millions of dollars in its war chest because it has catered its policies to the richest and most powerful people in the province, and has been rewarded by those rich and powerful people who have benefited from its policies, will before a campaign, as well as during a campaign, spend way beyond what would be legitimate. Those are the kinds of reforms that have to be made.

You can't exempt the leaders' tour. You cannot exempt polling, because there's a wide definition of that. If you want it to be fair for everybody, then you have to have strict controls on it. The United States is not a good example.

This resolution takes away from the Premier the right to make a decision on when an election shall be. People who are in the country, people who are in the province, individuals, organizations, municipalities and so on, will know when the election is going to be. There are

provisions, if the government falls in a non-confidence motion, where this would not apply. But generally speaking, there would be a situation where we would know when the election was going to be. I think most people in this province would support that instead of having it in the hands of one person and his personal advisers.

**Mr David Christopherson (Hamilton West):** I found the resolution before us very interesting, particularly given some of the dynamics of where the different players are coming from on this.

Let me say right at the outset that I think it takes an awful lot of gall for the member from Barrie-Simcoe-Bradford to be talking about defending the traditions of 100 years in this place, given the damage they've done to all kinds of traditions, especially as they relate to the rights of the opposition. Let's just temper some of those comments with the reality of what they've done in governance and how they've trampled on decades of tradition. I don't think that's a defensible point to start from at all.

There is actually a historical reference to this, and I'm surprised it hasn't been mentioned yet. It's pretty significant, given that today is the day Romanow brings down his report on the future of our cherished health care system. When Tommy Douglas was elected Premier in Saskatchewan, I believe in 1946, but certainly just after the Second World War—there's no need to remind people who understand the history of this country that the moneyed powerful people all across North America were recoiling in horror that this fellow named Tommy Douglas had gotten elected to a position of power in a democracy. "How could this possibly happen?" because of course Tommy Douglas was a social democrat, a CCFer, the forerunner to the NDP. For some people there were still memories of what had happened in Russia a couple of decades before. There were concerns about what had happened as a result of the Winnipeg general strike, and some were saying, "My goodness, the election of this social democrat in Canada means the beginning of the end. The Red forces are at the door." Of course, nothing could be further from the truth, but Tommy had to deal with that.

I mention Tommy because Tommy Douglas is now recognized universally as the founder, the father, the leader of bringing in our universal health care system. In fact he was just inducted into I think the first—I don't know the exact title—the Canadian national medical hall of fame. I'm torturing the real title, but that's what it is. Their first inductee was none other than the guy they had struck against, in a general strike by a lot of the doctors at the time in Saskatchewan. The very same group of people, the medical association of Canada, named him as the first inductee, recognizing that without Tommy Douglas we wouldn't have a universal health care system and we wouldn't have the Romanow report.

As I look across, the galleries are filled today with young people, students here, I would assume, on a class visit. It may be a number of years before they recognize the significance of the historic day they are here, because

Roy Romanow is releasing a report that is either going to provide a blueprint for them to have the same health care system I had when I was their age, or we're going to lose it. It's that significant.

I raise all that and talk about Tommy today, particularly on this historic day, also to point out that one of the things he did when he was elected, to sort of calm the Red scare fears, was to say, "I will have elections every four years no matter what." I believe it was June. I stand to be corrected, but I believe it was in June. Do you know what? Tommy Douglas was in power, the first social democrat and founder of our universal health care system, for 16 years as Premier, and every four years on the button he held an election. As long as he was in that election, he won.

I think it's worth mentioning too, parenthetically, that Tommy Douglas every year of those 16 years brought in a balanced budget. He didn't really bring in what was then the universal insurance program until about his 14th or 15th year. There are a whole host of reasons for that, but most of them were based on the fact that he wanted it to be fiscally viable and he wanted to deeply plant the roots of the notion of a universal health care system so that future right-wing governments couldn't come along and just wipe it out.

He took all those years to prepare and educate the public, bring them onside, let them know what the benefits of a universal health care system would be for them, and to ensure it could be afforded. Having been in an NDP government and sat in the cabinet, I know the kind of pressure you get from your own supporters to move, especially on those big items that, in large part, bring people to be a New Democrat as opposed to the other parties.

I've only got one minute left, but in terms of the BC legislation, the Institute for Research on Public Policy found that 54% of the population support fixed elections. They had one concern, and I thought it was legitimate. I just spoke to my friend Mr Sorbara to get a clarification from him. Their concern was that you don't want to remove the ability of this House to say, "We've lost confidence" in whatever the government is, whoever the Premier is, and force an election. They felt we lose something if we don't have that. I'm assured by Mr Sorbara that part of their legislation would guarantee that a majority vote of this House, regardless of party, would still constitute a lack of confidence in the government and that would trigger an election.

I think we end up with the best of both worlds. This is a valid idea. Things have to change. The people are demanding it. I think this is a good, positive step in that direction.

**1140**

**Mr Dunlop:** I appreciate the opportunity to say a few words on Mr Sorbara's resolution.

First of all, I'd like to take this opportunity, because we've mentioned how many young people are in the audience today—I don't know the names of all the other schools, but I do know that Premier Eves has a school



here today from Dufferin-Peel-Wellington-Grey, St John the Baptist Catholic school in Bolton. Mrs Bernardi, Mrs Visintine and a number of the parents and other teachers are here with them. Perhaps we could give them a warm welcome. It's so nice to see so many young people here on this very historic day.

Something I didn't know earlier: I didn't realize that Tommy Douglas actually delivered balanced budgets for 16 years in a row. That is amazing and I think that's a great tribute to his great life as a politician.

However, we're here today to talk a little bit about the resolution. I want to say up front that I will be opposing this legislation. Quite frankly, I'm against the Americanization of Canadian politics, and that's what this does. This is a very simple resolution. We might as well have a Congress. We might as well have governors. We might as well have a President.

We haven't seen any leadership in this particular area on behalf of the federal government. As recently as 2000, they pulled an election after three years. If the provinces are going to go in this direction, to a selected term of four years, I think we really have to see the leadership from the federal government. When they decide to call after four years, then we should look, as provinces, at maybe doing the same type of thing.

**Mr Sorbara:** Why?

**Mr Dunlop:** Because we need federal leadership. The federal government has to show leadership in some area. In some area of this country, we have to see the federal government showing some leadership.

We've seen some leadership today, I guess, with the Romanow report coming out, but as I said earlier today in my other comments, we don't know what's going to actually happen. Apparently there's \$7 billion, I understand now. Finally the federal government will probably have to ante up. We've been saying this for the last six or seven years. Already I read an article where Mr Manley is saying, "The money's not there. We won't be able to provide the money. We'll phase that money in" over God knows how many years.

I'm someone who believes very strongly in the traditions of our country, of our province. I do not want to see the legislation changed. I believe very strongly in the British parliamentary system and everything it stands for.

As I said earlier, I will be opposing this resolution. I want to leave some time for our other members as well today.

**Mr Mike Colle (Eglinton-Lawrence):** I commend the member from Vaughan-King-Aurora for bringing forth his resolution, because I think the resolution really is an attempt on his part to show that a lot of the democratic traditions in Ontario have been eroded dramatically by the Mike Harris-Eves government. When they stand up and say they're defenders of British parliamentary traditions, it is just laughable. If you look at Bill 26, it did more damage to democracy in this province than any other single bill has done in any western democracy.

What it comes down to is that, in this Legislature now and in this province, if an idea comes from outside the

inner sanctum of the government controlling interests, they reject it. I've got a perfect little example for the schoolchildren here today. As you know, there's a law in the province of Ontario now that requires schoolchildren to sing O Canada in school. As the opposition, we brought forth a simple resolution, on behalf of myself, to allow for the singing of O Canada in this building, even once a week. Do you know that the government has stopped that? They won't allow the singing of O Canada in this Legislature as part of our proceedings. Do you know why? Because it's not their idea; it came from the opposition.

That's why they oppose resolutions like this one from the member for Vaughan-King-Aurora. It's not their idea. It didn't come from the backroom group that controls this government. These are faceless, nameless people you never see. They run the province of Ontario. For instance, legislation now is divided and crammed into—they have two days in one. Nowhere in western democracies do they have two days in one. Do you know why they have two legislative days in one? So they can ram through bills that you the public, young and old, will never know anything about.

We have this bill before us now called Bill 198, where they're raiding pension plans. They tried to ram that through so nobody would notice. They've changed the rules to the point that things go through here so quickly we can't even question them. There are no hearings. In the past, we used to have hearings where there would be input, there would be amendments, there would be changes. That doesn't exist in Ontario any more. We go through a democratic façade totally controlled by backroom people who are not in this chamber, and we don't even know their names or faces.

My colleague from Vaughan-King-Aurora is saying, "When you're calling an election, perhaps there should be some kind of accountability or oversight. It shouldn't be the manipulation of the democratic process to call an election when the polls show you might win." This government spends millions of dollars polling all the time, trying to find out how they can take advantage of public opinion to manipulate it.

That's what they're doing right now. They're spending hundreds of thousands of dollars of your money this month, I'm sure, trying to find out when they should call the election. They're not going to call it when they think it's right for the people or right for the voters; they're going to call it when they think they can save their necks. That's what they'll do.

What this would do is bring in some sort of accountability whereby you would know when the elections were to be called so that it couldn't be manipulated by the government and the backroom people. Every four years, you would know when the election date would be, and it would be a fair process. What this government really likes to do is essentially make rules that benefit not you, the voters or the citizens, but benefit them and their friends. That's what they're all about in this place, and they don't want you to know what they're doing. They

want to try and change things so fast, and then if we ask for an improvement or a change, they say, "No, we can't do it, because it doesn't help us."

I commend this attempt to basically get some dialogue on getting democracy back in Ontario. This government does not believe in free votes; in this case, you'll see that all the government side will vote against this. They never vote according to their conscience. They always vote according to how they're told to vote. This is wrong, because democracy is supposed to be based on your beliefs and what's best for your voters, not on what's best for vested interests and special interests. In this case here, we've got a debating point, a good way of looking at how we can make democracy better and how we can maybe listen to new ideas. As I said, this government of Ernie Eves-Mike Harris doesn't believe in ideas coming forward and being debated, even—never mind being accepted; they don't think they should be debated. They just will all say that this is wrong.

To say this is about Americanization—this government copied the neo-con agenda word for word, right out of Newt Gingrich's dictionary, and they have the nerve to say they're against Americanization? They bought that hook, line and sinker and tried to sell it to everybody in Ontario.

**Mr Steve Gilchrist (Scarborough East):** I'm pleased to offer a few comments on the resolution we're debating here this hour. It will be a frosty Friday when I or anyone in our government agree with the Americanization of the election system in this country. It's not going to happen.

This is from a party and from a member who demonstrated precisely why the voters can be trusted by trying to pull the wool over their eyes and going out for an election after two years and nine months, thinking you could sneak something through, so excited that for the first time in 1987 the election results, under the current system, had actually favoured your party—the first time in over 45 years. You were sure it would happen a second time, that lightning would strike twice. So you said to yourselves, back there in the cabinet room, "The voters are incompetent. The voters are blind." You said, "We can pull the wool over their eyes."

You want to know something, Mr Sorbara? You were wrong. David Peterson was wrong; you were wrong; all the other cabinet ministers, including the members still here today, were wrong. The voters are smarter than that. The voters understand the issues. The voters understand that when they have the chance to cast that vote, there is an opportunity to reflect, and it doesn't matter whether it is exactly 48 months or 46 months or 50 months. They reflect on the package of initiatives that have been presented by the government and on the alternatives offered by the two, maybe more, would-be pretenders to the throne.

The reality is that in the last half-century, your party, under the current system, has only ever attracted the attention and the interest of the voters once—once. You're equalled by the socialists, for Pete's sake, in that regard. In every other election in the last half-century, the voters

have correctly concluded that there is one party that has their best interests at heart, one party that is not favouring special interests, that has the working families, that has small business, at the heart of all the policy decisions they make. As opposed to the member here, a member who personally was part of the charade of the 1990 election, who was certain—certain—that they were—

*Interjection.*

**The Acting Speaker:** Order. The member for Vaughan-King-Aurora has had his opportunity. He needs to respect the member for Scarborough East.

1150

**Mr Gilchrist:** I'm sorry if the truth hurts, Mr Sorbara, because the reality is that the status quo doesn't just work here in Ontario; it works all across Canada. It works all across the Commonwealth. This is a principle that goes back centuries, and the member opposite is suggesting that somehow the Liberal Party in Ontario has a better way of doing it than all the other parties in all those other jurisdictions. What arrogance. What conceit.

The reality is that this resolution, just like the entire Liberal democratic plan, is predicated on the proposition that you cannot trust the voters. Well, I for one do trust the voters. I suspect it's predicated on something else. If you knew the exact date of the next election, you would know how long you had to hide your leader, Dalton McGuinty. You'd know that. As it is right now, you're not quite sure when you can bring him out and when you have to keep him behind closed doors.

There's mention that out in British Columbia the Liberal government there has suggested that they want to go to fixed terms. What the member has not suggested, has not put on the record here today, is that the law says that that will take place only when a regulation is filed by the Lieutenant Governor. There is no regulation filed. So in the province of British Columbia, even today it would not be accurate to say that it is the law that the next election will take place on a certain day. It may be the government's intention to prepare that regulation, it's certainly their stated intention, but they haven't done it.

There is no precedent where you can stand in your place and say that someone else has made a formal commitment to have an election on a specific day on a specific cycle. So I'm prepared to continue on with the status quo. I'm prepared to continue to trust the voters in my riding. I don't understand why a member here wouldn't want to continue to trust the voters in his riding—but obviously you don't. You are here as a result of the current system.

On the other hand, if it is this ongoing frustration that there aren't enough of you that can attract the attention and the positive support of people in your riding, then I understand why you want to change the rules. But what I don't understand is how you of all people, of all the Liberals sitting opposite, could stand in your place and suggest that somehow an American-style political system is the way we should be going, when you yourself are the poster child for why the voters can be trusted under the current system.



While I have a second here, I was intrigued, as our good friend from St Catharines is so prone to do a rambling about the by-product of elections—it was fascinating watching another Liberal initiative just before coming up here: the tabling of the Romanow report, and the fact that Mr Romanow himself admitted that if the federal government agreed to all his recommendations, it would increase federal spending to 25%. I just want it on the record that last night on Michael Coren, Gerard Kennedy swore up and down that it isn't 14% that the feds paid today; it's 35%.

So I'm glad to see that he is just as inaccurate, and just as prepared to try and pull the wool over the TV viewers, the voters, as you're trying to do here today. It's a consistent pattern. It really is not becoming to a member to have that attitude toward the voters. I suggest to the member that this is not an appropriate resolution. I will not be supporting it. Nor, I suspect, will any of my colleagues.

**Mr George Smitherman (Toronto Centre-Rosedale):** I'm so excited about the opportunity to speak following on the leader of the bitter former ministers' club. I just can't tell you how funny it is to hear a man froth about for six minutes and create the impression on the one hand that the manipulation by the leader of an election date is bad, and then to make an enormous pronouncement, with much pounding of the chest, to indicate that he stands firmly in favour of the status quo, because the status quo has meant that leaders of political parties, all of them in our province, have manipulated election dates in a way that is unhelpful to the quality of our democracy.

So while we on this side are able to stand and say, as Mr Sorbara did in his opening comments, that this isn't a practice that we think has been good for Ontario in the past or that we're proud of, this guy, the member from Scarborough East, stands and makes a speech that makes absolutely no sense, on the one hand criticizing the Peterson government for having called an early election and then on the other hand defending that practice and the status quo.

The thing that I found most incredible from that government, and the member from Barrie-Simcoe-Bradford did it too, was talking about how it would be just terrible to see this kind of change to this parliamentary process, with its traditions deeply rooted in Westminster. He practically brought the Maple Leaf Forever and songs from Britain to my ear. Instead, we had speeches of denial from the members opposite, because they denied the very role that they have played in undermining our democracy to such a great extent here in the province of Ontario.

We seek, on behalf of the people of Ontario, to grab back from them and the way they have operated some connection to our democracy, by enhancing the role of oppositions and committees and giving power back to MPPs and, on this one singular issue, removing from the power of the Premier of Ontario the right to manipulate the date of the election.

These guys get it going, on this matter, on all different fronts. We have a piece of legislation in front of us that they're all going to vote for next week, Bill 198, that is flawed. It has been proven to be deeply flawed, and yet they will ram it through and hope in the quiet of their regulatory environment and the cabinet's basic right to do whatever the heck it pleases, that this issue will just go away, because even when they are caught red-handed, even when the smoking gun has been produced, there is no meaningful opportunity, in an environment where the government has a majority and the majority members are acting like seals, to restore a sense of vigour to our democracy by forcing change on badly flawed legislation.

I have a funny story to relate in my last minute, and it involves the member from London-Fanshawe, Mr Mazzilli. He and I were recently on Focus Ontario, about three or four weeks ago. Every once in a while, because of our capacity to jostle, they bring us on there. The host, Graham Richardson, said to Mr Mazzilli, "So, Frank, when's the election going to be? In the spring?" Frank said, "Yes, that looks very likely, Graham." I said, "Yes, in the spring of 2004." Because once the stink of desperation is on a government, like the stink is on this one, you start to see the kind of manipulation that is disgusting. It's disgusting.

On the weekend of their convention a little while ago, I arrived at 11 o'clock on Saturday. By noon, all of the talk was how the election, which was rumoured to be right now, had been put off. Then at 6:45 or 7 o'clock, the Premier had a press conference. He said, "No, the election is definitely going to be two months one way or the other of the four-year anniversary." On the Sunday he said, "No, no. Fall of 2003," and within a few days later it was the spring of 2004.

End the manipulation. Take back the power for the people.

**The Acting Speaker:** Response?

**Mr Sorbara:** I'd like to thank in particular my friend from Hamilton West for reminding us on this day in particular of the important work that Tommy Douglas, one of the great parliamentarians in Canadian history, brought to this debate on fixed terms for Parliaments.

I just have to summarize by pointing out that the incredible arrogance of my friend from Scarborough East is exactly the disease that has poisoned the Conservative Party and is going to end in their defeat when an election is finally called. I have rarely heard such arrogance, an epiphany of nonsense, in support of a resolution on a motion that really will change and improve our democracy.

This is quite simple. We need to improve our democracy. The Premier of this province, Ernie Eves, has far too much power, and this Parliament has far too little power. And the people have far too little power. No democracy is strong when power, wealth and income is concentrated in the few, let alone the one.

I want to talk as well about the remarks by my friend from Barrie-Simcoe-Bradford, because he gave a litany

of reforms that he suggests were brought forward to improve our democracy. There is no doubt in the mind of any serious commentator that as to the power of this Legislature, rule changes brought forward by the Progressive Conservative Party have reduced to a minimum the significance of this Legislature.

If parliamentarians on the Conservative side are not concerned about that so that future members of this Parliament can have a real and vibrant opportunity to participate in the lifeblood of their province, then they don't understand their responsibilities here. I invite them to reconsider and support this motion.

**The Acting Speaker** This completes the time allocated for debate on ballot item number 72.

### EDUCATION

**The Acting Speaker (Mr Michael A. Brown):** I will now deal with ballot item number 71. Mr Kennedy has moved private member's notice of motion number 20.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the "ayes" have it.

We will take the vote following my putting the question on ballot item number 72.

### ONTARIO ELECTION DATES

**The Acting Speaker (Mr Michael A. Brown):** Ballot item number 72: Mr Sorbara has moved private member's notice of motion number 19.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the "ayes" have it.

### EDUCATION

**The Acting Speaker (Mr Michael A. Brown):** Call in the members for a vote on ballot item number 71. This will be a five-minute bell.

*The division bells rang from 1202 to 1207.*

**The Acting Speaker:** Mr Kennedy has moved ballot item number 71. All those in favour will please stand and remain standing until your name is called.

#### Ayes

Agostino, Dominic  
Bartolucci, Rick  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Colle, Mike  
Conway, Sean G.  
Curling, Alvin

Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Kennedy, Gerard  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
McGuinty, Dalton

McMeekin, Ted  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg

#### Nays

Arnott, Ted  
Barrett, Toby  
Beaubien, Marcel  
Bisson, Gilles  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Hardeman, Ernie

Hastings, John  
Hudak, Tim  
Johns, Helen  
Johnson, Bert  
Klees, Frank  
Marchese, Rosario  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Prue, Michael  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wilson, Jim  
Witmer, Elizabeth  
Young, David

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 30; the nays are 46.

**The Acting Speaker:** I declare the motion lost.

### ONTARIO ELECTION DATES

**The Acting Speaker (Mr Michael A. Brown):** Mr Sorbara has moved private member's notice of motion number 19. All those in favour will please stand and remain standing until their name is called.

#### Ayes

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Colle, Mike  
Curling, Alvin

Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Kennedy, Gerard  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
Marchese, Rosario  
McGuinty, Dalton

McMeekin, Ted  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg

**The Acting Speaker:** All those opposed, please stand and remain standing until your name is called.

#### Nays

Arnott, Ted  
Barrett, Toby  
Beaubien, Marcel  
Clark, Brad  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Hardeman, Ernie

Hastings, John  
Hudak, Tim  
Johns, Helen  
Johnson, Bert  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wilson, Jim  
Witmer, Elizabeth  
Young, David

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 33; the nays are 42.

**The Acting Speaker:** I declare the motion lost.

All matters related to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1214 to 1330.*

**The Acting Speaker:** All those opposed will please rise and remain standing until your name is called.



## MEMBERS' STATEMENTS

## HIGHWAY 11 AND HIGHWAY 17

## SUDBURY REGIONAL HOSPITAL

**Mr Rick Bartolucci (Sudbury):** It's pretty sad when you see that it takes longer for the Harris-Eves Tories to deliver the Sudbury regional operational review than for Roy Romanow to complete a federal study about health care across Canada. It is pretty sad when the Sudbury Regional Hospital continues to wait for Tony Clement and Ernie Eves to release the report that our community wants released. That operational review will set the course of action for the construction of our new single-site hospital. It will set the course of action for our community with regard to health care, and yet the government sits on the report.

Why do they sit on the report? Well, it's very simple. They do not want to release the report because the report is clearly an indictment that they have short-changed our hospital and health care in the north by too many dollars—absolutely, no question.

In our community, we say that this government has abdicated its responsibility when it comes to health care. So today we ask Tony Clement, the Minister of Health, and Ernie Eves, the Premier of this province, to act immediately. Release the operational review of the Sudbury Regional Hospital so our hospital administrators can start planning for the future. We have a course of action. It's time you told us what yours is.

## ENTERPRISING WOMAN PROGRAM

**Mrs Julia Munro (York North):** Ten months ago Corrine was a stay-at-home mom with a business idea but little knowledge of how to start a company. Today she owns a registered soap-making business and sells her product at craft sales and local stores. If Corrine had not signed up for the Enterprising Woman program, run by the women's centre of York region, she says she would not even have a business plan.

Corinne had a good product but she really didn't feel she knew how to start a business. The program showed her how to get her business organized. The program helped her to write a business plan and encouraged her to do market research. Corinne benefited the most from being able to network with other women and to know she wasn't alone in her challenge to get her business started. She began the program in February and graduated in June, launching her business a month before.

The program, facilitated by business professionals, starts with the basics: choosing a name, conducting market research, cash flow analysis, and legal issues. It then offers specialized sessions such Web marketing, e-business, networking, commercial real estate, and balancing life and work. The program is available to 25 women who have a viable business idea.

All the best to you, Corinne. Congratulations on your entrepreneurial business endeavour.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Earlier this week a Ministry of Transportation spokesperson was quoted as saying that the four-laning of Highway 11-17 between Thunder Bay and Nipigon would not go forward unless traffic volumes increased to a preset ministry-determined level. To say that this remark irritated me, as well as many of my constituents, would be a very polite understatement.

This four-laning project is one that was first announced 13 years ago by the provincial government of the day. It is a rare part of the Trans-Canada Highway, in northwestern Ontario, where no alternate route across the country is available. It is a section of the highway about which Premier Eves himself made reference to the need to four-lane during a fundraising speech in Thunder Bay this past spring.

To say that volume of traffic alone will determine the need is unseemly, and I, for one, will not accept that thinking. Besides, if numbers alone determined these projects, the section between Thunder Bay and Pass Lake should be fast-tracked, as its numbers frequently meet that cold criteria.

Regardless, the province should be further chastised for not signing on to the federal-provincial agreement on highway infrastructure that would add \$2 billion dollars to available highway funding. In that I have been told on numerous occasions by previous Ministers of Transportation that this four-laning project will not go forward without federal government financial participation, why, I ask, is Ontario the only province in the country that has not signed on to this funding agreement?

Minister, are you telling us that we need a rash of tragic fatalities before you'll move forward on this vital project? I certainly hope that that is not your position.

## MENTAL HEALTH SERVICES

**Mr Peter Kormos (Niagara Centre):** This government and this Ministry of Health have been playing games with Niagara region, games with some incredibly serious consequences. You see, back in 2001 the Ministry of Health announced funding for eight youth-adolescent mental health beds for Niagara region. Where did those beds end up being located but in the city of Hamilton?

I want to explain to this government: Hamilton is not Niagara. Hamilton has its own very special and extreme needs. Niagara, under-resourced and under-staffed in terms of mental health services for youth and adolescents, is crying out for those eight mental health beds for youths and adolescents.

Welland mayor Cindy Forster and her council passed a strong resolution demanding that those beds be in Niagara region. Dr Thoppil Abraham, who has been relentless, along with his colleagues, in the campaign for adequate mental health services for youth and adolescents in Niagara region, carries on in his struggle to ensure that

young people don't have to be put into adult psychiatric wards, that young people have access, notwithstanding this government's refusal to fund it and provide it, to mental health services.

I put to you that it is entirely inappropriate that Niagara not have those eight mental health beds. The government made a promise. It was a promise that wasn't kept. I put to you that we should be listening to Dr Thoppil Abraham and the likes of him. I put to you that this government has a responsibility to fulfill its commitment, to fulfill that commitment to the families of those children, those adolescents, in Niagara region so treatment can be made available to them there, when they need it and as they need it.

### NIAGARA FALLS WINTER FESTIVAL OF LIGHTS

**Mr Bart Maves (Niagara Falls):** This past weekend, I again with my family attended the exciting 20th annual Niagara Falls Winter Festival of Lights kickoff, with my colleagues tourism minister Frank Klees and Erie-Lincoln MPP Tim Hudak.

Minister Klees attended the event to announce a provincial contribution of \$50,000 for the festival to help support the marketing efforts of the festival. Minister Klees also helped in welcoming Mickey, Minnie and the rest of the Disney characters who attend the festival each and every year. The minister was granted the privilege of turning the switch to help illuminate the hundreds of park and street displays decorated with tens of thousands of lights. The switch also kicked off a dazzling fireworks display.

In previous years, the festival of lights has received more than two million visitors. The event has earned the honour of being named a top event by the American Bus Association. The annual New Year's Eve party attracts over 30,000 people and receives live North American television coverage.

The \$50,000 announced this weekend for the festival will help cover the cost of print and radio advertising in Toronto, London, Ohio and New York.

The Niagara festival of lights is a great way to enjoy the four-season beauty of Niagara. I hope that many families will have the opportunity to come down to the falls to experience and enjoy the fun activities that the festival has to offer.

### PENSION PLANS

**Mr Dwight Duncan (Windsor-St Clair):** The Minister of Finance just can't seem to get it right. First she tried to sneak in a \$10-million tax break for pro sports teams, but when they were caught, they took their hand out of the cookie jar. Now she is trying to sneak through legislation that would allow employers to steal a pension surplus from their employees, and that's exactly what the bill does.

Now the government says, "Well, we got it wrong. We'll think about it. Let's pass it. It's wrong; we know that. Let's pass it. It's reckless; we know that. Let's just make it the law and we won't proclaim it." Well, no one trusts this government on that file as no one trusts them on many other files.

The trouble is that no one in this province will believe the government on it. The legislation is wrong. It's time to do the right thing and withdraw the section of the bill. The Minister of Finance, a former government House leader herself, tried to suggest yesterday that it's too complicated to remove that section from the bill—wrong. We did something very similar in the Legislature just last week with Bill 177, and it took all of 10 minutes. We could do it again today. We could stand up and protect the rights of employees. We could do the responsible thing. We could take the offensive sections out of the bill. All it takes is for this government to agree to go to committee of the whole to remove the offensive sections. Why don't you agree to do it and put this miserable issue to rest once and for all?

1340

### WOMEN OF DISTINCTION AWARDS

**Mr Norm Miller (Parry Sound-Muskoka):** I rise today to highlight a very special event held in my riding of Parry Sound-Muskoka. On Monday, November 18, more than 200 people gathered at a resort just outside of Bracebridge to celebrate the first Women of Distinction Awards benefit and gala. The community YWCA of Muskoka presented this grand event.

As a testament to the honour of receiving one of these awards, I would like to point out that there were more than 30 accomplished women from Muskoka nominated for these inaugural awards. An independent panel of judges selected the winners in six outstanding achievement categories, with each winner receiving a beautiful platter designed by Muskoka artist Gina Denne.

I would like to recognize the six women who received the first Women of Distinction Awards: Ms Ruth Bell-Towns of Bracebridge received the community voluntarism award; Ms Hilary Clark Cole of Gravenhurst received the arts and culture award; Ms Jan Lucy of Baysville received the award for education, training and development; Ms Enid Powell of Port Carling received the award for health, wellness and well-being; Ms Dorothy Slocum of Bracebridge was honoured with the award for entrepreneurship; Caitlin Veitch of Huntsville was the recipient of the Young Woman of Distinction award.

I would ask that all members of the House join me in congratulating all these women of distinction for the dedication and hard work they provide their communities.



## ROMANIA

**Mr Tony Ruprecht (Davenport):** In the history of mankind, an important event took place 84 years ago, in 1918: the unification of Romania. With us today to help us celebrate this important event are a number of distinguished visitors. I start with the Consul General of Romania, Mr Teculescu; General Mihai Floca; Ionel Marin; Petre Nicapetre; Eugen Roventa; Magdalena Popa; Cornel Chis; Marcel Ban; Dumitru Popescu; and Cristina Parvu.

This great Romania of 1918 proved its vitality in its achievements: the universal franchise was granted; the most important agrarian reforms took place in the history of the country; and the new Constitution was adapted a few years later. We take great pride in these accomplishments.

Above all else, I want the former Minister of Finance to know that our Prime Minister made some glowing remarks just the day before yesterday when he referred to Romania joining the North Atlantic Treaty Organization. What an event. The Prime Minister was saying, "We want to embrace this Romania and these Romanian people because, for the first time, they have moved toward the western hemisphere, toward democracy, toward freedom and establishing their own Constitution, free democracy and state."

We want to celebrate this event, but we are also mindful of the great sacrifices they made when they threw off their dictatorship. They came to my office with a case of champagne and they said, "For the first time, we're free; we're for democracy." That's why we say to them today, forever a free Romania in the future.

[Remarks in Romanian].

**The Speaker (Hon Gary Carr):** We welcome our honoured guests.

## AIDS AWARENESS WEEK

**Mr John O'Toole (Durham):** I rise in the House today to note that November 25 to November 30 has been declared AIDS Awareness Week by each of the municipalities in my riding of Durham. I commend the mayors and councillors of Oshawa, Clarington and Scugog for their leadership in raising AIDS awareness.

I believe that all Durham region municipalities have similar proclamations. The AIDS Committee of Durham Region is working this week, speaking with youth in our schools. On Saturday, November 30, there will be an AIDS watch interfaith service at 2 pm at St George's Anglican Church in Oshawa. December 1 is World AIDS Day. The focus of AIDS Awareness Week is on prevention against the stigmatization and discrimination against persons with AIDS, their families and friends.

The declaration of AIDS Awareness Week is a reminder that HIV/AIDS is not confined to one group. It is a worldwide epidemic. The United Nations estimates that 40 million are infected worldwide. Sadly, it is estimated that every day of the year there are more people

who die from AIDS than who died in the World Trade Center tragedy of September 11 last year.

We are reminded that anyone can get AIDS and be infected. In fact, over half of the victims are women. Recent statistics from Health Canada indicated that for the first time since 1995 there was an increase in the number of positive HIV test reports last year. However, by supporting such events as AIDS Awareness Week, we are fostering the knowledge and understanding that is needed to stop the epidemic and save lives.

The AIDS Committee of Durham works with others, including the AIDS executive director, Peter Richtig, the dedicated staff and caring volunteers. I urge all members to be involved in AIDS awareness in their own riding, to advocate for education and understanding.

## RESPONSES TO PETITIONS

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Speaker: On September 25, 2002, I presented a petition to the Legislature dealing with kidney and pancreatic transplants. According to section 38(i) of the standing orders, the minister should be responding within 24 sitting days. It's well past those 24 sitting days and I would appreciate your efforts in obtaining a response to that petition.

**The Speaker (Hon Gary Carr):** That is a valid point of order and hopefully the Minister of Health, who I believe it's for, will be responding to that petition in the timelines required under our standing orders.

## REPORTS BY COMMITTEES

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** I beg leave to present a report from the standing committee on public accounts and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 5, An Act to amend the Audit Act to insure greater accountability of hospitals, universities and colleges, municipalities and other organizations which receive grants or other transfer payments from the government or agencies of the Crown / *Projet de loi 5, Loi modifiant la Loi sur la vérification des comptes publics afin d'assurer une responsabilité accrue de la part des hôpitaux, des universités et collèges, des municipalités et d'autres organisations qui reçoivent des subventions ou d'autres paiements de transfert du gouvernement ou d'organismes de la Couronne.*

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

**Mr Gerry Phillips (Scarborough-Agincourt):** On a point of order, Mr Speaker: Yesterday I indicated public-

ly that I really didn't think I was a moron and I thought I could prove it, I am able to show it. This is my grade 1 report card. This is what Miss Russell says—this is in 1947—“Excellent grade 1 year.” This is my grade 2 report card: “Gerald did well in his spring tests.” This is my grade 3: “Promoted with honours standing.” This is particularly for you, Mr Speaker. This is what Miss Russell said in grade 1, “Self-control—E for Excellent.” My case rests.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: Mr Phillips has ably defended himself with respect to the slur that was directed at him yesterday. Is the other recipient of another slur equally able to defend himself?

**The Speaker:** I thank the member for the report card and the update.

## INTRODUCTION OF BILLS

### ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS), 2002

#### LOI DE 2002 SUR L'OBLIGATION DE RENDRE COMPTE DES DÉPENSES (MINISTRES ET CHEFS D'UN PARTI DE L'OPPOSITION)

Mr Tsubouchi moved first reading of the following bill:

Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The Chair of Management Board for a short statement?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I'll make a minister's statement.

1350

### TENANT PROTECTION AMENDMENT ACT (HYDRO EXCEPTION), 2002

#### LOI DE 2002 MODIFIANT LA LOI SUR LA PROTECTION DES LOCATAIRES (EXCEPTION CONCERNANT L'ÉLECTRICITÉ)

Mr Agostino moved first reading of the following bill:

Bill 217, An Act to amend the Tenant Protection Act, 1997 / Projet de loi 217, Loi modifiant la Loi de 1997 sur la protection des locataires.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Dominic Agostino (Hamilton East):** This bill would help a situation which is not in the current hydro bill. As it is now, tenants who do not pay hydro directly but pay it as part of their rent don't really have any protection or any opportunity for rebates. The landlord could then apply for an increase in their base as a result of hydro expenses and the tenants would have no opportunity to get any of this back.

This bill, in a sense, would protect tenants—and the government can either introduce it as part of their bill or pass this—to ensure that tenants who pay rent with their hydro included are not going to be subject to any rent increase as a result of the hydro situation between May 1 and December 1, 2002.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### MEMBERS' EXPENSES

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** Today I'm pleased to introduce the latest measure in this government's ongoing commitment to improve accountability in the way taxpayers' dollars are spent. The legislation I am introducing today will, if passed, put into place a clear and transparent means to govern the expenses of ministers, parliamentary assistants, the leaders of the opposition parties and their staff. It would protect Ontario's taxpayers from unnecessary expense by bringing a consistent and high level of oversight to expenses paid out of the public purse. It will bring more openness, accountability and fairness than there ever has been in Ontario or in fact in Canada before.

The rules governing expenses have long been vague and inconsistently applied; I think we all know that. This situation needs to be fixed. Our proposed legislation will provide a transparent set of standards and rules. These rules will apply to ministers, parliamentary assistants, leaders of the opposition parties and their staff, and would govern expenses relating to travel, hotels, meals and hospitality.

As well as introducing greater accountability and transparency, we are for the first time taking steps to ensure that these expenses are reviewed by an impartial third party who has the unqualified support of all members of the Legislature. Therefore, I am pleased to inform the House that the Integrity Commissioner has agreed to review records related to expense claims. As an independent officer of the Legislature, and well respected, the Integrity Commissioner is a non-partisan person and



well suited to independently review, report on and bring clarity to this type of information.

I am pleased to report that consultations with the Integrity Commissioner are currently underway to finalize the new rules, which will be effective January 1, 2003.

We're putting into place an accountable and impartial review for the future. This legislation will require all cabinet ministers, their parliamentary assistants and staff, as well as the leaders of the opposition parties and their staff, to table all expenses incurred since 1995 with the Integrity Commissioner. The Integrity Commissioner will issue a report by the end of January 2003 detailing all records received, his recommendations and actions.

This legislation provides for new annual reporting requirements. This will now bring more openness and fairness than there ever has been before.

Each of us has an obligation to the people of Ontario to spend taxpayers' dollars responsibly. For years, the system has not brought accountability to the leaders of the opposition parties with standing in the Legislature. Therefore, the amendments to the Freedom of Information and Protection of Privacy Act included in this bill will provide for public access to records of payments made out of the Legislative Assembly fund for travel, hotels, meals and hospitality-related expenses of each leader whose party has standing in the Legislature and their staff.

These legislative changes will greatly improve the accountability, consistency, and fairness of the way in which expenses are incurred. They will be a major improvement to the way in which standards are developed, applied and challenged, and I encourage this House to give the proposed legislation speedy passage.

**The Speaker (Hon Gary Carr):** Responses?

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to have the opportunity to respond to this bill. We will look closely at it. Once again we see a government responding to a situation after a problem has emerged, after they get caught. It's a sad statement that that's when they do it.

We welcome changes that bring accountability and transparency to the process. We trust the Integrity Commissioner on these matters.

But we want to talk about a few things. I notice, in reading this very carefully, that the Legislative Assembly funds for the opposition parties are subject to greater scrutiny than the government side. I wonder why that might be. We'll be looking at that closely.

I'd also like to remind the government of my colleague Rick Bartolucci's bill too, the Ministerial Travel Accountability Act, which is more expansive than this, and we will be putting a reasoned amendment to get you to include that in the bill.

Let me say something else. We look at the government ministers' and parliamentary assistants' expenses since they took office in 1995-96. It's gone up from just over \$100,000 to well over \$500,000—500% more. What happened with welfare recipients? Did they get a 500%

increase? No, they didn't. What happened to our schools? Did they get a 500% increase? What happened to our hospitals? None of the above.

I should point out that the official opposition has already released the expenses of its leader with pride, and what did we find? We found that he came in—what was it?—37th. He came in behind Ted Chudleigh, came in behind Mr Spina in expenses. That's because he does a good job with his money and will manage the affairs of this province better than that gang ever could.

They can applaud all they want about this. It's good to see it done. We're going to have a chance to look closely at the legislation, and we will table reasoned amendments to strengthen the ministerial travel accountability sections of the bill. It doesn't go far enough where ministers are concerned, and we want to talk about some definitions.

This is a government on the ropes. We'd like to have an election sooner rather than later. We'd like to go to the people and talk about that pension legislation that they refuse to withdraw. We'd like to go to the people and talk about the situation in our schools from the north to the south, from Ottawa, Toronto, Hamilton, Windsor—you name it. We want to talk about our hospitals and we want to talk about accessibility to MRIs, and we want to focus on this government's record of cutting the people who are most vulnerable while they've padded their own pockets over the last seven years. We want to talk about why the Premier's staff budget has gone up so much and Cabinet Office has gone up so much when supports for the disabled, people on welfare, the most vulnerable children in our society have gone down. We want to talk about why fewer and fewer students in this province have access to student loans and we want to talk about why they haven't dealt with the double cohort issue in a meaningful way.

1400

We will debate this legislation. We welcome accountability. We welcome transparency in all of what we do. But the best accountability, the best transparency is an election, an election that will replace the most mean-spirited, right-wing, out-of-touch government in the history of this province with a compassionate government with a solid plan, led by Dalton McGuinty, for the purposes of rebuilding our public services, our health care, our education.

Make no mistake: we will defend our record on transparency and accountability in a way that you never could or never will be able to, because Dalton McGuinty and the Ontario Liberals are the only party putting out a plan for the future, whether it's in health care, the environment or education. That's where it will be decided, not on the foolish pounding of desks in this House but on the pounding of pavements in a general election when the people can talk about accountability, when we can reflect on what's right for Ontario. A new government, led by Dalton McGuinty, will undo the shameful record and mess that you've left behind.

**Mr Peter Kormos (Niagara Centre):** Let me speak to the bill before I launch into my broader rhetorical

polemic about the government. The bill is an interesting one. Because I had an opportunity to read the largest chunks of it, I'm ready already to point out to the government some of the obvious deficiencies. Reviewable expenses, defined in section 3, refers to travel—fair enough—hotels, meals or hospitality. I suggest the government may be generating its own loophole by omitting beverages, because that seems to have been the source of considerable grief, although I expect we can all agree that the issue around meals encompasses the broader range of meals and accompanying beverages.

Howard Hampton has been leader since 1996. I've had occasion to do a fair amount of travelling with him, mostly recently of course on the public power bus—[www.publicpower.ca](http://www.publicpower.ca). I hope Howard has saved the receipts because I've been a witness to what I consider a relatively unhealthy diet of Mr Sub and similar chain foods along the highway, and inordinate amounts of Tim Hortons coffee—no disrespect to Tim Horton. If the Integrity Commissioner wants to review Howard's coffee-stained and sugar-stained little slips and receipts from any number of highway, roadside chain-food purveyors, I suppose the Integrity Commissioner can.

I do note that the retroactivity section, section 11, makes this retroactive, according to my brief reading of it, back to 1995. I'm ready to stand with Howard, being somewhat familiar and even downright intimate with his regrettable eating habits while on the road. As to his predecessor, who seems to be covered by the bill as well, he's on his own, quite frankly. I didn't spend a whole lot of time travelling with him.

But let's get down to perhaps somewhat more crucial and critical issues that are of concern, or should be of concern to us, and certainly are of concern to the public. The reviewable expenses are somewhat limited—fair enough. Obviously, were they to be broader, they might be more revealing.

I'm particularly interested, as are New Democrats, in the amount of money spent on US-based consultants by any number of party leaders' offices, so they can design US-style campaigns based on quick blurbs and Tide-style advertising, dishwasher detergent-style advertising. I'd be particularly interested, and I would hope that the public would be too, in seeing how much money was spent on US political consultants in a feckless effort by ambitious political parties to think they can hoodwink the public.

I'd be more interested in this bill, quite frankly, if it incorporated my recent bill, the Man Who Wasn't There Act, which would also—

#### *Interjections.*

**Mr Kormos:** Wait a minute. When you consider the public interest in public expenditure and expenditure of public funds, you will recall that my Man Who Wasn't There Act—colloquially, the Dalton, We Hardly Knew Ye Act—was one which was designed to not compel but require some modest levels of attendance, not just by the Premier but by opposition leaders as well. Surely if the opposition leader of a caucus of but nine can be here 70%

of the time, another opposition leader could improve his record of being here but 30% of the time.

In view of the fact that the opposition leader who appears here 30% of the time for question period seems to support his backbencher initiative to dock salaries of a government party leader for absence, one would expect that this same party leader would expect the sauce for the goose to be sauce for the gander, Dalton.

We're not intimidated by the bill. We welcome the opportunity. I question why people would want to obstruct or be dilatory around it. Quite frankly, New Democrats are interested in amendments to the legislation that would provide a more revealing exposure of particularly those out-of-country expenditures on high-priced American political consultants who seem to have become the passion and the rage and about which I'm confident taxpayers would be clearly indignant.

As well, we should contemplate the broader spending, the literally billions and billions of dollars that this government, especially as it enters a pre-election period, persists in spending on its glossy ads and propaganda. Why don't we turn this into a real bit of revelation and exposure?

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I'd like to seek unanimous consent to move a motion that following question period the House move into committee of the whole so that we can sever section 25, the pension portions, from Bill 198.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

**Mr Kormos:** On a point of order, Mr Speaker: In view of the Romanow report today and in view of what I am sure is the confidence of all of us in the report by Roy Romanow and his support for public health care, I'm seeking unanimous consent to wear the "RomaNOW" buttons that are available to all members of this Legislature.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

#### GOVERNMENT PRESS RELEASE

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I will pass to you a press release which was put out by the Ministry of Finance earlier today. It deals with the pension amendments in Bill 98. The headline of the press release reads, "Pension Amendments in Bill 198 Will Never Be Proclaimed." I ask you, Mr Speaker, to look at this in two contexts: first, does this presuppose that the bill will be passed? They have time-allocated the legislation. They have not provided for third reading debate. They have not provided for committee hearings.

The other thing I would ask you to look at is whether or not this bill is in order if in fact the government says it will never be proclaimed. Why would we be debating such legislation if it will never be proclaimed, if it will never become law? Why would this House be called



upon to pass a law that the government itself is saying will never be proclaimed?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Not to belabour the point too long, I think there is some confusion with respect to presupposing what this House will do through advertising and public advertising and having an opinion. The government is able and willing to have opinions that they can express through press releases and in this Legislature. They may offer those opinions at any time, at any point they like.

I think the confusion for the opposition House leader is that that doesn't impinge on the fact of our having an opinion, but if we go forward and start advertising certain things about this Legislature, we can't be in contempt of the House and presuppose what the Legislature will do. Every day in this House this government offers opinions on bills before this House. If that is found to be in contempt, it would become very difficult to be able to offer up any opinion or answer any question.

**The Speaker (Hon Gary Carr):** The member will know that proclamation is done by order in council; the cabinet doesn't have anything to do with the House. That has happened in other circumstances.

The government House leader is quite right with regard to the advertising. It is an opinion about what may happen. They didn't go out and spend money in that regard. So it is not a point of order, but I thank all the members for their input.

1410

#### MEMBER'S WEDDING ANNIVERSARY

**Ms Marilyn Mushinski (Scarborough Centre):** On a point of order, Mr Speaker: Before we get to question period, I think it's important for this House to know that there is a member in this House who is celebrating a particular milestone. She's celebrating her 45th wedding anniversary. I know her husband, Ken, is watching her at home today. I think that she's making a huge sacrifice in the public interest and I think we should all recognize and congratulate the member for Mississauga South, Mrs Marland.

*Applause.*

**The Speaker (Hon Gary Carr):** I thank the member for that and wish Ken and Margaret all the best. Might I quickly add that it's all of our spouses who give up a tremendous amount so that we can be here. To all of them, we appreciate all the hard work they do on our behalf when we're down here. They all deserve credit.

Congratulations to Margaret and Ken.

#### ORAL QUESTIONS

##### PENSION PLANS

**Mr George Smitherman (Toronto Centre-Rosedale):** My question today is for the Minister of Finance. We learn from a press release issued just a few moments ago with the headline "Pension Amendments in Bill 198 Will Never Be Proclaimed" that the government has relented on the opposition position and the position of most knowledgeable people that the bill they have before the House strips pension rights dramatically from pensioners.

I would like to ask the minister, however, why the unanimous consent that we just sought to meaningfully strip away these provisions from the risk of future proclamation—why you voted against that, and why, if a press release and an expression about proclamations is only an opinion, as your government House leader just said, we can trust you not to proclaim these at a later date?

**Hon Janet Ecker (Minister of Finance):** The answer to that question is very simple: the Premier has given an unequivocal commitment.

**Mr Smitherman:** Well, we know from our vast experience in this House that the Premier of Ontario has never changed his mind.

Madam Minister, I will in this supplementary provide you with an opportunity to use just a little bit more of your time to expand on this issue of trust. Let's just review the record. When we raised this issue last week in the Legislature, we highlighted the fact that your consultation process, which you were so proud in defending at that time, was fatally flawed in that several of the things that were contained in the legislation were not contemplated in the consultation document. So I ask you to stand in your place today and tell us what it is, beyond pride, that allows you to take the position to say on the one hand that your legislation will never be proclaimed but on the other hand that you insist on its passage with flawed portions intact. Explain that away, and use the word "never" to give us some confidence that your intentions are honourable.

**Hon Mrs Ecker:** First of all, if the honourable member would like to explain to this House the Liberals' policy on a whole range of issues—one day they were for a hotel tax; today they're not for a hotel tax. One day they're for giving school boards taxing authority; the next day they're not for giving school boards taxing authority. One day they support hydro deregulation; the next day they don't.

What's important here is this government's clear commitment that we are not proceeding with these amendments. We are going to be having a group of experts representing with consultation with the stakeholders to ensure that further consultation will take place. Only after such consultations occur and only if it's necessary to make legislative amendments will any changes be introduced in a new bill, which would be fully debated in the

House. I think, in order to ensure that pensioners have been heard, in order to ensure that they know their—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

**Mr Smitherman:** We're left with the curious situation where the minister of the crown says, "We're not proceeding with them; we're only going to ask the Legislature to pass them next week." If it's lost on members on that side, then perhaps that speaks a lot about their comprehension.

Madam Minister, I would like to ask you just one more time to stand in your place and explain why, on the one hand, you're admitting that the sections require review and will therefore never be proclaimed, but that you insist that they continue to be part of your budget bill and that they be passed. Explain that away.

**Hon Mrs Ecker:** I can understand why the Liberal Party doesn't want to support Bill 198: because it outlines further tax cuts for individuals and small business; it outlines protections for investors, those with mutual funds, for example, in this province; it outlines protections for those who pay for auto insurance. All of those are in the legislation.

But what is important here is that the pensioners who have been concerned that those issues are adequately dealt with are heard and that we can then, if legislation is required based on the expert opinion we get—if there needs to be legislation, there will be a fully debatable bill in the House. You have a clear commitment on that. We're going to be writing to all of the stakeholders to make sure they understand that so that they are clear that they will have an opportunity to ensure that inappropriate steps are not being taken by any member of this House.

### DIAGNOSTIC SERVICES

**Mrs Sandra Papatello (Windsor West):** My question is for the Minister of Health. Today the Ontario Liberal Party was very pleased to be recipients of the Romanow report on the future of health care. Two weeks ago, you went ahead with the Alberta model of two-tier health care, the "Pay your way to the front of the line" model, when you released the request for proposals for private MRIs and CTs. This morning Roy Romanow clearly identified this as a clear violation of the Canada Health Act because people will buy their way to the front of the line.

Minister, based on the Romanow report today, will you now withdraw your request for proposals for private MRIs and CTs?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Nothing could be further from the truth. In fact, we have put in a lot of safeguards to ensure that there is no queue-jumping. This is a universally accessible, publicly funded, "Use your OHIP card, not your Visa card, for medically necessary services" kind of service that is going to do wonders to increase the accessibility that Ontarians want for their diagnostic services. We're for accessibility. We're for the patient. We're for

making sure that patients have earlier access to diagnostic tools and tests, either at the hospital or through stand-alone clinics. A piece of legislation, the Independent Health Facilities Act, which was in fact proposed by a previous Liberal government, now has in place over 1,000 independent health facilities. This is part of our accessibility, it is part of a health care system that can work, and we are fully supportive of it.

**Mrs Papatello:** That's exactly what they said in Alberta, and what the Romanow report said today is that they are in clear violation of the Canada Health Act. That is a violation.

This report has an unprecedented level of citizen participation, and it's solidly built on Canadian values. The Canadians are the ones who told the commission they value a universal health care system where access is based on need, not the ability to pay.

Two weeks ago, you went ahead with that same Alberta model for your two-tier private MRIs and CTs. You admitted publicly that people would be able to pay cash. People will be able to jump the queue and get to the front of the line because of their ability to pay.

Minister, you are not to be believed today in the House based on what you have already said and what you are on record as having said. I ask you again, based on the Romanow report today, will you withdraw the request for proposals for private MRIs and CTs in Ontario?

**Hon Mr Clement:** No, I will not. We, in this government, are for greater accessibility to universally accessible, publicly funded health care. We will not be drawn into the member's accusations and her party's accusations, which in fact are not true. The fact of the matter is that we are perfectly within the Canada Health Act. We ensure that medically necessary services are found universally accessible, without further pay, within the stand-alone clinics in the same fashion as they are found in our publicly funded hospitals.

I'd like to quote another Albertan for the honourable member. This is what another Albertan said today:

"I think" these facilities "play an important role in terms of providing advanced diagnostic services. My view has been that if clinics are providing medically necessary services, they should be covered by the Canada Health Act." Who said that? The Liberal federal health minister, Anne McLellan. I agree with her. I don't agree with Dalton McGuinty.

1420

**Mrs Papatello:** Minister, I'll tell you what the Ontario Liberal Party believes. It's what Ontarians believe and it's what Canadians believe. We are opposed to your scheme for two-tier private MRIs and CTs in Ontario.

Based on Romanow's report released today, the Alberta model is in clear violation of the Canada Health Act. We are telling you today that here too in Ontario, based on your scheme—and you're not called Two-Tier Tony for nothing. The point is, people will be able to move to the front of the line based on your model. We ask you again, based on what the Romanow report said today, as a violation of the Canada Health Act, will you



withdraw your request for proposals for private MRIs and CTs in Ontario?

**Hon Mr Clement:** If sticks and stones can break my bones, at least I'll have accessibility to an MRI under our plan.

I want to know from the representative of the Liberal Party of Ontario, what have you got against greater accessibility to diagnostic services? What have you got against earlier accessibility to diagnostic services, perfectly accessible, universally accessible within the Canada Health Act? Use your OHIP card. That's what this party stands for on this side of the House. That's what this government stands for. We are proud to be part of a government that is going to increase accessibility using the creativity of Ontarians to do so. We are on the side of accessibility. What side are you on?

### HEALTH CARE

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Deputy Premier. I would say, yes, the Minister of Health has a fair salary and he probably can, under his system, buy access. We're worried about all the other people across Ontario who don't have that salary.

Today Roy Romanow provided us with a blueprint to improve and sustain medicare for our children and our children's children. Will your government immediately endorse the Romanow report and begin implementing that report, Deputy Premier?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I'll refer that to the Minister of Health.

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'm sorry, Mr Speaker. I was a bit distracted. Could he repeat the question?

**The Speaker (Hon Gary Carr):** What we'll do is maybe stop the clock for that question.

**Mr Hampton:** To repeat again, Mr Romanow has provided us with a blueprint not only to improve medicare but to sustain medicare for our children and our children's children. Does the Conservative government of Ontario commit today to endorsing that report and to begin implementing that report immediately?

**Hon Mr Clement:** I can certainly congratulate those aspects of the report, and in fact all reports that have been submitted to Canadians over the previous months and years, that encourage innovation to enhance a universally accessible and sustainable health care system. The Premier and I and the rest of this caucus endorse those aspects of the report that encourage innovation because there is a need to innovate.

We are also encouraged by Commissioner Romanow's identification of the fact that this is a partnership between provincial and territorial governments and the federal government. Commissioner Romanow has made it absolutely clear that the federal government has to step up to the plate. They are part of the solution. We cannot have innovation and successful sustainability and accessibility in our health care system without the federal govern-

ment's participation. We look forward to working with the federal government in that regard.

**Mr Hampton:** Mr Romanow is very clear that his vision for medicare is a public vision for medicare, a not-for-profit vision for medicare. He invited those people who promote private-public partnerships, who promote private delivery, who promote profit-driven health care, to present their arguments. He says in the report that he rejects them, that there is no evidence. Do you accept the conclusions of the Romanow commission and are you prepared to commit to a publicly funded, publicly administered, not-for-profit system of medicare?

**Hon Mr Clement:** I think the honourable member, with the greatest of respect, is going to a conclusion that is not what Commissioner Romanow does. He says that any conclusions based on the appropriate delivery of publicly funded health care have to be evidence based.

On this side of the House we're not afraid of that. We in fact think it's important to have evidence-based conclusions and accountability in our publicly funded health care system. There is absolutely a case to be made that there are publicly funded services that should be publicly funded, and there obviously should be publicly delivered services that are publicly delivered, as well as privately delivered services that are publicly funded and universally accessible. That has been part of our health care system since there has been a health care system.

Your doctor is a private deliverer of publicly funded services. The nursing home operator as often as not is a private-sector deliverer of publicly funded services. We are not afraid of that on this side of the House. We want to make sure that whatever is delivered is accessible and sustainable, not only now but for future generations. That's what this side of the House is all about and we will continue along that path.

**Mr Hampton:** Minister, Mr Romanow cannot be clearer, he cannot be any more conclusive when he says that the future of medicare is publicly funded, publicly administered and not for profit. Already, the first day, you're looking for a way out.

New Democrats are clear. It is now time for the Romanow report: Roma-now, not Roma-maybe, as the Liberals would have it, or Roma-find-an-excuse. Are you prepared to reverse the private deliveries you've already instituted? Are you prepared to reverse the private cancer clinics? Are you prepared to sign on to the Romanow commission and support a publicly funded, publicly administered, not-for-profit health care system for the people of Ontario and the people of Canada—yes or no?

**Hon Mr Clement:** I'm holding in my hands right now a list of every single independent health facility that has been approved as part of the publicly funded system in Ontario since Liberal governments, NDP governments and under PC governments—the list goes on for page and page and page—delivering services, universally accessible through your OHIP card to patients across Ontario for diagnostics, for blood tests, for ultrasounds, for lab work. I ask the honourable member, is he prepared to close these down and ruin accessibility for Ontarians

because of his ideological point of view? I certainly am not.

**The Speaker:** New question? The leader of the third party.

**Mr Hampton:** Mr Romanow went out of his way: he said to all those people who promote private-public partnerships that you and the Liberals like so much, he said to all those people who promote profit-driven delivery, he said to all those people who promote private, profit-driven clinics, "Bring the evidence," and at the end of it, and you heard him very clearly today, he said, "It is not cost-effective, it is not efficient and it is less equitable, less fair than a publicly funded, publicly administered system of non-profit medicare."

That's the question, Minister. You can duck, you can dodge and you can look for the weasel words. He rejects for-profit, private health care. Are you prepared to do the same thing?

**Hon Mr Clement:** The answer to his question is no. I'd like him to answer my question. I have in my hands X-ray, ultrasound, cardiac, radiology, in St Thomas, Scarborough, Elliot Lake, Richmond Hill, Hamilton, Mississauga, Newmarket, Kanata, Agincourt, Pembroke, Hamilton, Kitchener. Are you prepared to close these integral parts of a universally accessible, publicly funded health care system that delivers quality health care to our citizens?

If you are true to your words, you are condemning over 1,000 independent health facilities that are part of accessibility in the province of Ontario because of your ideological agenda. I say to you, shame to you. That is not what this side of the House is all about. We are for accessibility. We are for quality. We are for better health care for Ontarians and we will fight for that as long as we have the will to fight.

1430

**Mr Hampton:** Minister, the Provincial Auditor looked at your private health care clinic at Sunnybrook hospital, and his conclusion was that it costs \$500 more per patient in terms of private delivery. Your brethren Conservative government in Manitoba set up a private eye clinic. The NDP government in Manitoba brought it back under public, not-for-profit delivery, reduced the costs by \$300 per patient, and they were able to accommodate more patients.

This is about taking the profit out of health care. This is about ensuring that we have the most cost-effective, most efficient, and the fairest delivery of and the fairest access to health care. That is what Mr Romanow and his commission are calling for. Are you prepared to endorse that, or are you still going to go about there promoting private, for-profit delivery? Whose side are you on: the private companies that want to make money off our health care system and then make large financial contributions to the Conservative Party—the Dynacares, the Comcares, the Extendicare—*or* are you in favour of not-for-profit, publicly funded, publicly administered medicare?

**Hon Mr Clement:** One of the most poignant things that Commissioner Romanow said today is that a properly functioning and successful health care system has to go beyond ideology, has to go beyond the right-wing and the left-wing shibboleths that have marred the ability of governments to find the solutions. He said that this is not about left-wing ideology, this is not about right-wing ideology; this is about what works for the betterment of health care for Canadians from coast to coast to coast.

In that sense, we are for what works. We are for better health care. We are for better accessibility. We are for a system that has the courage to be creative within a universally accessible, publicly funded system. We have the courage. The honourable member should get beyond his left-wing politics and have the courage as well.

## PENSION PLANS

**Mr George Smitherman (Toronto Centre-Rosedale):** I want to return to the Minister of Finance and I want to give her two more opportunities to explain the unexplainable. Explain to members of this House why it is necessary to come and vote in favour of a piece of legislation when you have admitted that one very significant section of it is flawed to the point where you make a promise, on paper, that you will not proclaim it.

You've operated under the cover of darkness before. You did it with your consultation paper and you certainly did it when you were one of the four happy adherents to the \$10-million payoff to sports teams in Ontario. I want to give you an opportunity to stand in your place today and tell us whether it's embarrassment or your wounded pride that prevents you from doing the right thing, which is to sever the pension portions from Bill 198. Do it today.

**Hon Janet Ecker (Minister of Finance):** Only the honourable member would think that a public consultation document, released publicly, is secret, but we'll leave that for the viewers to decide.

Again, Bill 198 contains significant measures for tax cuts for individuals, for protection for auto insurance consumers, for investors, for new powers for municipalities to have tax incentive zones and opportunity bonds, so it's very important legislation. But what is very clear, as we've said in this House on more than one occasion—as the Premier has said, as I have said—for all intents and purposes these particular amendments dealing with the pension issues are null and void. What we are doing is going to ensure, through an expert committee in consultation with all stakeholders, that pensioners are assured that their pensions are safe, that there is nothing untoward that they need to be concerned about.

**Mr Smitherman:** They do have something to be concerned about when you use the phrase "for all intents and purposes," because it makes my point rather well. Yes, Bill 198 is a significant bill even without the pensions. So take them out and we'll have an opportunity to vote up or down on it. But you're presenting before this Legislature a piece of legislation that includes significant sections



that, if proclaimed—and there is no protection against proclamation except your word and the word of your government expressed in a press release that the government House leader just referred to as an opinion. And then you use the phrase “for all intents and purposes.”

Madam Minister, explain to this Legislature why you think it's such a difficult task—it would take about 10 minutes—to sever the pension sections of Bill 198 from this legislation so that when we vote in favour or against it we know exactly what we're voting for.

**Hon Mrs Ecker:** The Liberals are quite happy to vote against tax cuts for individuals. They're quite happy to vote against tax breaks for people who are modest-income Ontarians. So their concern about what they're voting for is not something I think taxpayers would take seriously.

But what is important here—he can argue procedural issues all he wants today, but for those who have pensions, for those who are concerned about their pensions, what is important is that the Premier has indicated unequivocally, in the Legislature on Tuesday, in a written statement today, that the pension provisions in the budget bill will not be proclaimed. They are not going forward, and that, I think, is an important statement. I can read it again. If he'd like to ask me, I'd be very pleased to do it again for him, but I think we've been very clear about our commitment.

#### MEMBERS' EXPENSES

**Mr John O'Toole (Durham):** My question is to the Chair of Management Board. You're quite aware that each member, on an annual basis, publishes their global budget and it's reviewed by the media and others. You raised a very important issue today and I applaud you for the action you've taken today.

This action, in my view, has been of interest over the past several months, indeed over the last number of years, and has been taken on rather aggressively. I know one of the media outlets captioned Mrs Papatello's action as being the Liberal attack dog. I wouldn't go that far, of course. During that same period of time, one reporter went on to say that she was more of a man than Dalton McGuinty. I think that's a bit aggressive. However, when asked on October 4, Dalton McGuinty said that what's good for the goose is good for the gander. When referring to our ministers, clearly it would indicate by that—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I got the gist of what the member was getting at.

It might be advisable for us to review a few things here. First of all, in a media scrum on October 4, 2002, Dalton McGuinty said, “Under the rules we play by today, we get three and a half million dollars, it says here, folks; there's your three and a half million dollars. Put it all into supper if you want, all into salary if you want, put it all into polls, put it all into expensive

luggage.” I believe the public needs to know how much of this is going to expensive luggage. Dalton McGuinty said that.

In the same media scrum on October 4, Dalton McGuinty said, “The issue is, who's setting the standards and what might those standards be? I think the ball is clearly in the court of Premier Ernie Eves and he's gonna have to tell us where he stands in respect to the standards to which he holds his ministers.”

Speaker, we've lobbed the ball back over the net into their court; it's up to them. I expect them to support it at second and third reading without debate.

**Mr O'Toole:** Thank you very much for that, Minister. In fact, on reflection, this may explain why Dalton hasn't been here for the last couple of weeks. Maybe he's putting together some notes to explain, as I understand—

**The Speaker:** Will the member take his seat. Don't start that. Don't start that stuff, please. You know you don't need to get up and do those crazy things like that. There's no need for it.

**Mr O'Toole:** Well, I only knew that by referring to Hansard.

I read one of the reports that indicated the ministers are responsible and accountable, and I agree with that. I don't think there's a person here who would disagree with that. On a closer question, quite honestly, Mr McGuinty was trying to explain his generalized expenses, including such things as travelling, meeting with people and, in a general sense, politicking. In fact, he said it wasn't a vacation, so in that declaration it's clear it wasn't a vacation.

What I'm trying to find out through the minister here is—

**The Speaker:** I'm afraid your time is up.

**Hon Mr Tsubouchi:** Speaker, I can anticipate that question as well.

I'll refer again to the same media scrum. The question to Mr McGuinty was, “Would you also release the expenses of all your staff members?” McGuinty said, “Why would I do that?” The next question was, “Why not your staff?” He then said, “Because it's not up to my staff to, uh...” And then they said, “We're talking tax dollars.” He said, “Yeah, but again, you know, what we've got is a set of rules here that says the Liberal caucus is entitled to about three and a half million dollars and it's up to us to decide how we're going to spend those three and a half million dollars.”

There needs to be clarity and accountability. This is what this bill is all about.

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#### MINISTER'S EXPENSES

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is to the Deputy Premier. I'm going to continue along the same lines as my honourable colleague across and talk about accountability.

Deputy Premier, almost two months ago, my colleague Sandra Papatello revealed the rich lifestyle the

member from Burlington was leading at taxpayers' expense. He spent over \$100,000 of taxpayers' money on expensive steakhouses, expensive hotels, in-room movies, valet parking and liquor. When we revealed Cam Jackson's willingness to spend taxpayers' money like it grew on trees, he paid some back. But, at least as of November 13, not all of the inappropriate expenses were paid back.

Ernie Eves promised a full investigation and review of these expenses. He promised that Cam Jackson would have to pay Ontario taxpayers back. It has been two months. Can you tell me when this review was completed, who did it and how much Cam Jackson was ordered to pay back?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I'm going to refer that to the Chair of Management Board.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** The honourable member points out the reason why we've tabled this bill today. The reason is because we need accountability right across the House. The problem has been that for years, in fact any time before this period of time, the members of the opposition have not been accountable in terms of what they spend. Clearly, they think they can spend on all kinds of very strange things. So what we're trying to do right now is bring accountability.

Our rules within this bill, if it's passed, are such that all expenses from 1995 to present are going to be forwarded to the Integrity Commissioner. That's all expenses: ours and your leader's. I don't know how much more accountability you want than that. We want to be clear and accountable to the public.

It's about time you guys were brought to the table; you haven't been. It's so easy to be holier than thou when you don't think that somehow you're accountable. I have news for you: you're going to be.

**Mrs Bountrogianni:** Minister, maybe the reason you refuse to answer my question about the honourable member from Burlington is because there is no review. I have here a copy of the Burlington Post, dated November 13. I'll tell you what Cam Jackson said to the Burlington Post: "There is no investigation. The Premier's office indicated there is no investigation."

So who are we to believe, Honourable Minister, Cam Jackson or Ernie Eves? The way things are going, the public doesn't trust either one of them.

Deputy Premier, I've written a letter to the Premier. I've asked the government to provide the names of the people doing the investigation, their terms of reference, the guidelines they are using to determine which expenses are appropriate and which are not and the date by which their investigation is to be completed. Your government has not responded.

Tell the House right now, is there a review or not? If there is, who's doing it, when is it due and when will you finally stand up for the taxpayers of Burlington and the

rest of Ontario and demand that Cam Jackson pay those bills back?

**Hon Mr Tsubouchi:** First of all, I will tell you this: the member whom she's referring to has always been an honourable member. He has been so in this House for many, many years. I'm very pleased to say that.

We have a mammoth review we're going to be doing, if you've been listening at all. That's from 1995 to the present, and that's everybody. I don't know how much less you want than everybody. You have to listen to this and read what's there.

The only problem you folks have right now is that you've never been accountable at all. This is going to change.

It's interesting enough that Dalton McGuinty, on October 4—again, it's an infamous day in Dalton McGuinty's life, I guess—was saying he's prepared to release his personal expenses, and he gives a summary. We want to know the details. We want the details given to the Integrity Commissioner—all of them, not his perception of what should be released.

With all due respect, I trust the Integrity Commissioner. He has a huge amount of integrity. I'd rather trust his opinion of what's relevant than Dalton McGuinty's.

#### SPORTS AND RECREATION FUNDING

**Mr Ted Arnott (Waterloo-Wellington):** My question is for my honourable friend the Minister of Tourism and Recreation. As you well know, sports and recreation are important contributors to our economy and our way of life, accounting for 1.1% and 1.3% of Ontario's economic development and contributing immeasurably to the health and social well-being of our population.

A study by the Canadian Medical Association reports that sport and recreation promotion leads directly to financial savings in the cost of health care. They estimate that for every 10% increase in physical activity in our population, health expenditures would go down by \$51 million. This is clearly something we want to encourage and support. We want to ensure that all Ontarians are encouraged to increase their level of physical activity.

Will the minister inform the House what he is doing, as the minister overseeing recreation, to see that low-income children and youth across Ontario have opportunities to participate in sports and recreation?

**Hon Frank Klees (Minister of Tourism and Recreation):** I want to thank the member for Waterloo-Wellington for his question. Our government is indeed committed to ensuring that all children, regardless of income level, but particularly those from lower-income families, as well as, I might add, children with disabilities, have access to sports activities and other physical activities.

Earlier today, I was pleased to be in Richmond Hill, at the YMCA Early Years Centre, to announce a new initiative of my ministry called the community sport opportunity fund. Through that fund, we are committing an additional \$1.25 million to provide more opportunities



for children from lower-income families as well as children with disabilities to participate in sports activities and other physical activities.

We believe that everyone in this province, regardless of economic status, should have the opportunity for a good, healthy start in life. We encourage people to take advantage of this program.

**Mr Arnott:** It's reassuring to know that the government is committed to making physical activity opportunities more accessible to low-income children and young families.

My supplementary question to the minister is this: what is the minister doing to develop new recreation projects aimed at increasing broad-based participation in recreation, sports and physical activity in a safe environment?

**Hon Mr Klees:** I'm pleased to add to this. I was also at the same time pleased to announce our ongoing investment in my ministry's recreational development fund. The amount of \$2.1 million has been added to that program. The recreational development fund is designed to invest in initiatives that promote involvement in recreation and sport and physical activities by all Ontarians, regardless of age or ability, including children, youth and older citizens of the province. This fund also supports opportunities for sport and recreation safety initiatives at the community level, such as those that facilitate training and recruitment of community coaches, leaders and volunteers.

We believe that this program will do a great deal toward advancing physical education and physical activities within the province. We encourage municipalities and community groups to take advantage and make their applications to participate in this program.

### DIAGNOSTIC SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. Today Roy Romanow said this of for-profit health funding approaches: "There is no evidence their adoption would produce a more efficient, affordable or effective system."

You yourself promised that private MRI clinics would only be allowed here if private firms could show that they could provide better, cheaper, faster and safer treatment. Not one shred of evidence has been presented to prove this, yet you're marching forward with your scheme of for-profit MRI clinics here in Ontario.

Minister, will you do the right thing? Cancel your scheme of for-profit MRI clinics and fund these services in the public system.

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable member is mixing apples and oranges, with the greatest of respect.

Roy Romanow today was very passionate about the need to protect a universally accessible, publicly funded system for health services and medical services. We on this side of the House could only agree with him in that regard. We treasure our health care system in this prov-

ince, in this country. We are working with him and with the federal government and with anyone else—providers and stakeholders and citizens in Ontario—who wishes to ensure its accessibility and sustainability in the future. That is about a universally accessible, publicly funded system. Within that system, there is a variety of means available to us to deliver universally accessible, publicly funded services. There always has been, and there always will be.

Beware the politician who says it has to be 100% one way or 100% the other way. That is what the honourable member is suggesting. On this side of the House we want what works, and that is a judicious mix of public and private delivery to ensure the most accessible and best-quality care.

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**Ms Martel:** Minister, I know you don't like to hear this, but Mr Romanow was very clear. There was no evidence presented to him over 18 months that for-profit health care produces a more efficient, effective or better system—no evidence presented at all. You yourself have failed completely to provide a single shred of evidence to show that your for-profit MRI clinics are going to be better, safer, faster or more effective. Instead of driving forward with for-profit MRI clinics, you should be funding these important health care services in the public system.

Minister, will you do the right thing: stop your for-profit scheme for private MRIs and fund these services in the public system?

**Hon Mr Clement:** It's clear that we want to be evidence-based. That is what Commissioner Romanow has urged provinces and territories and the federal government. He made an impassioned plea for a single-payer system, which is the system of medicare in the province of Ontario and the Dominion of Canada. We support maintaining the single payer. But when it comes to the delivery of those services, he is correct when he says it has to be evidence-based.

I encourage the honourable member, her caucus and her party not to jump to conclusions, also to be evidence-based, also to look at the facts, also to make sure we are ensuring better delivery of services universally accessible to the people of Ontario. That's what we are doing on this side of the House, and we will continue to do so.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr Steve Peters (Elgin-Middlesex-London):** My question is for the Minister of Community, Family and Children's Services. More than a month ago, with much fanfare, you announced \$64 million province-wide to help developmentally disabled adults. The southwest region was allocated \$1.2 million for direct care.

Minister, the southwest region has 10 counties. The waiting lists for care are staggering. Our local CSCN only serves five of those counties. There are 318 people on their waiting list. There are 74 who have the highest

and most severe needs, and they're on what's called the "Oh, my God" list. The \$1.2 million does not even scratch the surface. CSCN tells me that the 74 neediest individuals require \$6.2 million for care, and that is for only half of the southwest region.

Chelsea Hache and her family have been pleading with your ministry for help. Twice, I've sent you a proposal for funding and it collects dust on your desk. Her family is burnt out and exhausted from years of futile advocacy. Minister, how do you justify leaving people like the Haches to fend for themselves?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** To my colleague across the way, the whole reason he's bringing this up is because our government has been so diligent in finding ways to invest money and to assist those who are developmentally disabled and their families. We made a multi-year announcement in the budget year 2002. It included \$104 million, growing to \$197 million annually, to enhance services in multi-pronged services. We did foundation service funding for those who are leaving high school for a more independent lifestyle. We've provided, in the \$67 million I announced just a few weeks ago, money for revitalizing services so that they can retain staff who will provide services to those who are in homes, and renewed funding and brand new funding for new capitals, for new homes—three different areas of funding in a very large piece of \$67 million to serve just the kind of people this gentleman is referring to.

**Mr Peters:** Minister, I truly believe you don't have any clue of the magnitude of this problem, and I would urge you to come and visit the southwest CSCN to find out exactly and hear first hand how troubling this situation really is. I believe that the way this government and your ministry brushes aside and fails to meet the needs of those with the most severe physical and developmental disabilities is one of this province's worst-kept and dirtiest secrets.

I specifically asked your office for the following information, and I am asking you to please table this information for this Legislature. What are the allocations for every region across this province? How are the allocations divided for capital, support services and agency revitalization? How many people are on each region's waiting list for service, and what are those regions' populations?

If you're so confident that you are caring for the needs of society's most vulnerable, then I challenge you to table that information today. Will you do that? Will you let this Legislature know exactly how many families in this province are waiting for care? Please table that information, Minister.

**Hon Mrs Elliott:** Let's be very clear. The investment that this government makes to serve the families of the disabled in this province is substantial: over \$1 billion. We just kept a promise to the families and to those who are developmentally disabled in the province of Ontario by announcing the second stage—67 million additional new dollars for services for new homes. Our commitment

to serve those who are developmentally disabled in Ontario is unequivocal.

How do we decide how that money is going to be distributed? We decide according to the needs that are presented to us from all across the province, based on our best abilities to respond. We do it based on the response that is needed and requested by each individual community.

## ECONOMIC DEVELOPMENT

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question today is for the hard-working Minister of Enterprise, Opportunity and Innovation. The minister works very hard for his constituents and all Ontarians.

It is my understanding that exports of goods and services bring over \$190 billion into this province's economy. Exports account for over 50% of Ontario's economy and support more than 1.6 million jobs.

That said, Asia is Ontario's third-largest trading partner. Minister, I understand that you have recently returned from a very important trade mission to China. Can you please advise this House about some details of what you did on this trip?

**Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation):** I thank the member for Bramalea-Gore-Malton-Springdale for the question.

Ontario is an exporting jurisdiction, and we've come a long way since the dark days of 1985 to 1995. Ontario's economy is strong. We're leading the Canadian economy, and we are an exporter. In fact, more than 50% of Ontario's economy is exported, creating 1.6 million jobs here.

One of our major trading partners, and a great future trading partner of course, is China. There's huge interest and activity by Ontario companies in China; in fact, there are more than 400 Canadian companies with established offices in China to do business. Ontario exports to China were valued at \$659 million in 2001 and are growing. So is investment by China in Ontario, and we have increasing evidence of that as we go forward.

What we have done now is we have established the Ontario Marketing Centre in Shanghai, which has been up and running since February 2002.

**Mr Gill:** Excellent. There's more to be done. Thank you, Minister.

It is clear that our government is committed to promoting Ontario's strengths around the world. Our government is engaged in many initiatives to grow Ontario's economy through enhanced trading relationships with countries and regions all over the world.

I also understand that on your way back from China, you went to San Diego, USA, for a conference called CoreNet. Can you please tell this House what this conference was all about and why you attended?

**Hon Mr Flaherty:** I thank the member. CoreNet is the premier conference in North America for corporate real estate and site location. More than 2,500 decision-makers were in San Diego. I'm pleased to inform the



House that they're going to be in Toronto in May; from May 3 to May 7, I believe. We expect to have even more—3,000 or more of these folks who make decisions about where corporations are going to locate, where plants are going to be located, where jobs are going to be created in North America.

I had the privilege of hosting two Ontario events, both very successful, on November 18 and 19 in San Diego, with these decision-makers. I'm proud to tell you that they're all looking forward to coming to Toronto, Ontario, Canada, next May.

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### OCCUPATIONAL HEALTH AND SAFETY

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Chair of Management Board. He seems to be up there with the media, Speaker. Could we stop the clock until he comes down?

**The Speaker (Hon Gary Carr):** Maybe we could stop the clock and the minister could—

*Interjections.*

**The Speaker:** The member for Kingston and the Islands.

**Mr Gerretsen:** My question is to the Chair of Management Board, and it relates once again to the OHIP building. Minister, as I know you believe, this is not in any way, shape or form a partisan issue. It deals with the health and welfare of the employees we have in that building and it deals with the people who utilize the building and have over the last number of years.

Minister, there is a deep concern that even though you have agreed to some air quality testing, that process has happened before on a number of different occasions. What the workers are looking for inside the building and what the GeoCor report has clearly indicated is that what's necessary is that a consulting firm be given access to the building so that drill wells, in effect, can be set up both inside the building and inside the foundation of the building to find out once and for all whether or not the coal tar that is closely associated with the building, and may indeed be under the building, is allowing toxins to enter and have some effect on the people who work there and the people who utilize the building.

Minister, you know that there's a much higher incidence of cancer rates; higher incidence of pulmonary diseases, higher incidences of immune system deficiencies that people suffer from etc.

Everybody wants to get to the bottom of this. Why don't you agree to have—

**The Speaker:** I'm afraid the member's time is up.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** The member will note, because we had a brief conversation the other day exactly on this point, that my concern is just like his: for the employees of the province of Ontario.

What I did say to him was this: the union is working with us right now; in fact, they met yesterday. I think it's

important for them to be satisfied in terms of the process going forward and the consultant being chosen. We've agreed, certainly, to work with them, and the solution has to be one that the union and the employees agree to; otherwise it makes no sense.

The actual issue: part of what they're trying to do right now is some more air testing. If there's any indication at all that it's something in the soil, we have to do what we can do to protect these employees. I am not ruling out anything. Whether it's soil testing or air testing, it's important for both the union and our group to work together, the ministries as well, to make sure they're comfortable in what they're doing.

At the end of the day, I want our employees happy with the solution, and for us to come up with that solution so they'll be safe. I don't think there's any other answer here.

**Mr Gerretsen:** Minister, I appreciate what's been done and I think more should be done. The GeoCor report clearly indicates that what has to happen are some more monitoring wells set up both inside and outside the building to deal with the coal tar situation.

What you've agreed to is air quality testing. That's already been done before. We need to take that next step, as this independent engineering report clearly indicates. I just hope that you will work toward that end so that the people who utilize that building and work in the building can have much greater assurances as to their health and safety. Will you give them that commitment here today?

**Hon Mr Tsubouchi:** I recall that when that report was released, the particular company indicated not to take too much out of context here because it's very preliminary.

Having said that, it won't matter to me what we need to do, whether it's air testing or drilling. At the end of the day it's important that the committee, which is made up of the union and ourselves, pick the right consultants. We'll follow the consultants' recommendations. Whether it's soil-testing and the remediation of that, we'll do what we can. We'll do what we have to do to make sure our employees are safe. That's our commitment.

I think they're going to go through the consultant to have some recommendation. I'm not an expert on this and I know you're not as well, so we have to abide by whatever the consultant's recommendation is, and that consultant, as I said, is being chosen in co-operation with the union and also the ministries. I think at the end of the day we'll have a reasoned recommendation that will protect our employees, and we'll do what we can to protect them, obviously.

### ACCESSIBILITY FOR THE DISABLED

**Mr Bert Johnson (Perth-Middlesex):** I direct my question to the Minister of Citizenship, the Honourable Carl DeFaria, the dynamo from Mississauga East. I want to take the opportunity to ask you about some of the most recent outstanding appointments you've made to the Accessibility Advisory Council of Ontario, created as part of the Ontarians with Disabilities Act, 2001.

The appointment of Brampton Paralympian Jeff Adams as the new chair of the council, Barry McMahon as the vice-chair, as well as the eight additional members will make a significant contribution to our government's commitment to create a barrier-free Ontario.

There are many people with disabilities in my riding who are watching the development of the ODA with great interest. Minister, could you tell me about the council and how it will help improve the lives of Ontario's 1.9 million people with disabilities?

**Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors):** I welcome the opportunity to tell the Legislature about the Accessibility Advisory Council of Ontario.

The council's role is to provide me with advice related to the implementation of the Ontarians with Disabilities Act. The council advises and reports to me on issues such as the accessibility of government services, as well as those services funded by government, the accessibility for people with disabilities to employment opportunities and other accessibility-related issues as they arise.

Because accessibility is a shared responsibility, the council will assist the government in engaging the private sector in partnership to develop initiatives and inclusive programs and services for people with disabilities.

**Mr Johnson:** I thank the minister for the response. One of the reasons I'm interested is that earlier this week a member of the opposition talked about a form that he said would make it very difficult for ODSP recipients. I just wanted to make sure this council will debunk that kind of information.

Minister, as you mentioned, this council will provide advice on issues that affect people with disabilities. In fact, I was pleased to hear that Kathryn Bremner, who's been a long-time community leader and advocate for people with disabilities in both my riding and our colleague's riding of Whitby-Ajax, has been appointed as one of the eight new members of the council. Further, Duncan Read, an existing council member, is also active in disability issues in the Ajax area as a judge and former president of the Ontario March of Dimes.

Can you please tell us more about other accessibility advisory council members and of course any upcoming meetings?

**Hon Mr DeFaria:** With respect to our government's commitment to achieving an accessible Ontario, I have appointed a group of exceptional individuals to supplement our existing high-calibre members of the council, bringing the full complement to 12 members.

Along with our existing members, Jeff Adams, our newly appointed chair, and Barry McMahon, our newly appointed vice-chair, we have Duncan Read and Dean La Bute. Last month's appointments also include Kathryn Bremner of Whitby, Valerie Baker of Waterloo, Barbara Fowke of Kitchener, Uzma Khan of Mississauga, Tracy MacCharles of Pickering and Kristin Snoddon, Karen Liberman and André Bélanger of Toronto.

I'm also pleased to report that we are having our first full meeting today and tomorrow. I know their advice

will be important to moving forward our government's commitment to achieving an accessible Ontario.

## PENSION PLANS

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Finance. You announced today that never are you going to proclaim the legislation that gives employers the right to strip surpluses out of pensions. Aside from that issue is a bigger issue. As you know, in 1991 the NDP government passed a regulation that basically sets up the regime we've got today that prevents employers from being able to strip surpluses from pensions and gives employees access to those surpluses.

My question to you is very simply this: that regulation comes due December 31 this year. Are you going to reclaims the NDP regulation that was put in place in 1991 and leave the system as status quo?

**Hon Janet Ecker (Minister of Finance):** We will continue to extend that regulation, as has been the practice.

**Mr Bisson:** You are agreeing you are going to be extending the regulation. We take that as good news.

The second part of my question is simply this: if you're taking the step today to issue this press release that basically says measures in Bill 198 dealing with pension issues will never be proclaimed even if the bill is passed by legislation, why don't you take the next step, which is to take this completely out of the legislation itself?

The precedent for doing that has already occurred on two occasions in this Legislature, in Bill 47 and Bill 72. Your government moved finance bills into committee of the whole to do exactly that. I'm putting to you that we can do that lickety-split. We will give you unanimous consent and time-allocate the time in committee of the whole to remove this out of legislation. Will you do so?

**Hon Mrs Ecker:** I appreciate the suggestion from the honourable member, but we've been very clear. We think this will be an appropriate way to move forward to make sure there's the expert committee and the consultation. We're not proceeding with these amendments.

1510

## HAZARDOUS WASTE

**Ms Caroline Di Cocco (Sarnia-Lambton):** My question is to the Minister of the Environment. Minister, will you stop the untreated, highly toxic sludge from the Domtar tank in Sydney, Nova Scotia, from being land-filled here in Ontario?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I appreciate the question from the member opposite. The situation is very difficult. It's a very difficult situation. There are three such particular places in this country that can receive that kind of material: one is in Quebec, one is in Ontario and one is in Alberta. We have set guidelines, very strict, to ensure



that in fact it's going to be pretreated in future, plus it's encased in cement and dealt with in a very environmentally sensitive way.

I say to the member opposite, this is not a new situation. You're the member; you've lived there all your life. You know that this has been operating for a number of years. But with three operations in Canada—we ship ours to Alberta; we ship some to Quebec; we receive some—it would be virtually impossible for me to put a stop order on all of it coming in. But what I can do, and what I have done, is make it environmentally sensitive, harmonize our rules, and you've seen a reduction of 31%.

**Ms Di Cocco:** Unfortunately, Minister, the experts in Nova Scotia, as well as the people in Nova Scotia I have spoken to, have said that waste should not even leave there, that they should treat it and deal with it there because it makes it even more dangerous to take it out and ship it here to Ontario.

Toxic hazardous waste importation has quadrupled in this province since 1995; it has. The landfill that we have near Brigden, in St Clair township—you know the full-time inspector that you stated was on that site? He's not on that site. He just shows up whenever he feels like it. So we don't even have an on-site inspector. The legacy that we have, because of the expansion that was done in 1997, is incredibly detrimental to that area, long-term.

Minister, I'm asking you again: please stop that waste from coming into Ontario. It does no one any good.

**Hon Mr Stockwell:** If I could unilaterally stop it—I don't have that power, regardless. It goes through an environmental process that you know about and I know about. I can only say this to you: the Sarnia Observer on November 13, 2002, quoted Phil Whiting, a University of Western Ontario professor of chemical and biochemical engineering. He said that if we deal with this process the way we're dealing with it, "If this is done right this is a pretty darn good solution."

We're seeking a solution. I understand the member opposite has this in her riding. I appreciate your concern and the concern of your residents. I can only go about handling it in the most environmentally sensitive way, considering there are only three sites in this country. We ship our stuff out sometimes; we take some in. I can only tell you what the experts have told me: if it's properly handled, environmentally encased, dealt with and transported properly, it is a safe and effective process that they're using.

## PETITIONS

### PROVINCE OF ONTARIO SAVINGS OFFICE

**Mr George Smitherman (Toronto Centre-Rosedale):** I want to introduce five people from the gallery who have been involved in collecting this petition. They hail from Oxford county. They're Brian Brown, Laura Row-

botham, Richard Brown, Dorothy Brown and the ever-incredible Howard Clynick. They've done a lot of work in presenting 1,500 names on this petition, which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas we, the following names in petition, request the government of Ontario to review their decision to sell the Province of Ontario Savings banks and halt their intention to sell;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To cancel the decision to sell the Province of Ontario Savings branches, as many account holders are seniors and long-time account holders, among many other very satisfied customers. These banks and staff are a credit to their province."

### PRIVATE MEMBERS' PUBLIC BUSINESS

**The Speaker (Hon Gary Carr):** Could we stop the clock while the government House leader does the orders of business for next week.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Mr Speaker, can I also seek consent?

*Interjections.*

**Hon Mr Stockwell:** I want to get the attention of the NDP. I'm seeking consent. I believe I have unanimous consent to move a motion without notice regarding private members' public business.

**The Speaker:** Is there unanimous consent? Agreed.

**Hon Mr Stockwell:** Notwithstanding standing order 96(d), the following changes must be made to ballot lists for private members' public business: Mr Bisson and Mr Prue exchange places in order of precedence, such that Mr Bisson assumes ballot item 76 and Mr Prue assumes ballot item 73; and that notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 73.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### BUSINESS OF THE HOUSE

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Pursuant to standing order 55, I have a statement of business for the House next week.

Monday afternoon we will resume debate on Bill 213. Monday evening we'll continue debate on Bill 210.

Tuesday afternoon we'll debate Bill 209. Tuesday evening we'll debate Bill 213 again.

Wednesday afternoon we will debate Bill 210. Wednesday evening's business is to be determined.

Thursday morning's private members' business will discuss ballot items 73 standing in the name of Mr Prue and 74 standing in the name of Mr Patten. Thursday

afternoon's debate is still to be determined. Thursday evening's debate is still to be determined.

**The Speaker (Hon Gary Carr):** Continuing on petitions.

#### ALUMINUM SMELTER

**Mr James J. Bradley (St Catharines):** I have a petition to clean up the abandoned aluminum smelter in Georgina. It's addressed to the Legislative Assembly of Ontario:

"Whereas the abandoned aluminum smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River feeding into Lake Simcoe;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Ministry of the Environment should immediately conduct a full environmental assessment and cleanup of the site."

I affix my signature. I am in complete agreement with the sentiments expressed in the petition.

#### HYDRO RATES

**Mr John Gerretsen (Kingston and the Islands):** I have a petition that's addressed to the Legislative Assembly of Ontario and deals with the Hydro situation.

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader Ernie Eves call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

#### HOMELESSNESS

**Ms Marilyn Churley (Toronto-Danforth):** I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario provincial government has totally withdrawn support for the construction of the new social housing project in this province, therefore endangering the lives of the less fortunate and residents who cannot afford paying the high cost of rent; and

"Whereas the Ontario government should recognize that there is a serious shortage of affordable housing in this province; and

"Whereas the Ontario government should recognize that the homeless situation in this province has reached a crisis proportion and that some measures will have to be taken to remedy this situation; and

"Whereas the Ontario government should recognize that the hostel system was not meant to be for permanent housing but is for temporary shelters; and

"Whereas the Ontario government should implement the 1% solution promoted by the Toronto Disaster Relief Committee and restore the Rent Control Act which was taken away by the current government;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"All members of the Legislature take actions to end the homeless situation in Ontario with any means that are at the Harris-Eves government's disposition."

I will affix my signature to this petition.

1520

#### LONG-TERM CARE

**Mr James J. Bradley (St Catharines):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and....

"Whereas according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan" back "in 1999; and



"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I'm in complete agreement with this petition.

#### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** This petition is about Bill 77. It reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 77 passed second reading on June 28, 2001;

"Whereas Bill 77, the Adoption Disclosure Statute Law Amendment Act, received committee hearings in November 2001;

"Whereas Bill 77 addresses privacy concerns for those who wish to avoid or delay contact;

"Whereas adoptees are dying from genetic diseases in the absence of their family medical history; and

"Whereas birth mothers were never promised confidentiality;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately call Bill 77, the Adoption Disclosure Statute Law Amendment Act, for third reading and final vote."

I, of course, will affix my signature to this petition, because I am in full agreement with it.

#### LONG-TERM CARE

**Mr John Gerretsen (Kingston and the Islands):** I have another petition to the Legislature of Ontario.

"Whereas the daily increase of \$7.02 starting August 1, 2002, for residents in long-term-care facilities is not in keeping with the increases of prior years. This large increase in rates is a severe financial burden to residents and to family caregivers to maintain a loved one in a long-term-care facility and maintain themselves in order not to ask the government for financial assistance;

"Therefore we, the undersigned, petition the Legislature of Ontario to repeal this large increase and reduce the rates to a nominal increase as in prior years."

It's signed by approximately 400 people from the greater Toronto area. I agree with it and I've signed it accordingly. I'm handing it over to Olaniyi.

#### COMPETITIVE ELECTRICITY MARKET

**Ms Marilyn Churley (Toronto-Danforth):** This petition reads:

"To the Ontario Legislature:

"Whereas the Conservative government's plan to privatize and deregulate Ontario's electricity system will lead to higher rates because private owners will sell more power to US customers whose rates are typically 50% higher than Ontario's; and

"Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

"Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

"Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

"Therefore, be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit."

I will affix my signature to this petition because I fully support it.

#### CHILDREN'S HEALTH SERVICES

**Mr James J. Bradley (St Catharines):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Ontario government is shutting down the heart surgery unit at the Children's Hospital of Eastern Ontario; and

"Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

"Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

"Whereas centralizing children's heart surgery in Toronto will force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

"Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

"Whereas the people of eastern Ontario demand accessible, quality health care for their children;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government's decision to close this life-saving program and ensure that top-quality, accessible health care remains available to every child in eastern Ontario."

I affix my signature. I'm in complete agreement.

## ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** I have another petition on adoption disclosure, a little different from the last one, to the Legislative Assembly of Ontario. It reads:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I will affix my signature to this petition because I support it.

## ALUMINUM SMELTER

**Mr James J. Bradley (St Catharines):** I have a petition addressed to the Legislative Assembly of Ontario. It's designed to clean up the abandoned aluminum smelter in Georgina. It reads as follows:

"Whereas the abandoned aluminum smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River, feeding into Lake Simcoe;...

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Ministry of the Environment should immediately conduct a full environmental assessment and cleanup of the site."

I affix my signature. I'm in complete agreement with the sentiments expressed in this petition.

## 1530

## LONG-TERM CARE

**Ms Marilyn Churley (Toronto-Danforth):** I have another petition which refers to the long-term-care fee increase. It reads:

"To the Legislative Assembly of Ontario:

"Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities by 15%, or \$213 a month, instead of providing adequate government funding for long-term care; and

"Whereas the Conservative government has therefore shifted the cost of long-term care on to the backs of the frail elderly and their families; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

"Whereas the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse (less than half the time given to residents in Saskatchewan); and

"Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Join the Ontario New Democratic Party in demanding the Conservative government eliminate the 15% fee increase for residents of long-term-care facilities, increase the number of nursing care hours for each resident to a minimum of 3.5 hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities."

I will affix my signature to this petition because I fully support it.

## ORDERS OF THE DAY

ELECTRICITY PRICING, CONSERVATION  
AND SUPPLY ACT, 2002LOI DE 2002 SUR L'ÉTABLISSEMENT  
DU PRIX DE L'ÉLECTRICITÉ,  
LA CONSERVATION DE L'ÉLECTRICITÉ  
ET L'APPROVISIONNEMENT  
EN ÉLECTRICITÉ

Resuming the debate adjourned on November 27, 2002, on the motion for second reading of Bill 210, An



Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / *Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.*

**The Acting Speaker (Mr David Christopherson):** It's my understanding that in the rotation it is now the government's turn, and therefore I will look for a speaker, and will recognize the member for Nipissing.

**Mr AL McDonald (Nipissing):** I rise today to speak in strong support of Bill 210, the government's proposed Electricity Pricing, Conservation and Supply Act.

This bill reflects the government's commitment to the energy policy that encourages new electricity generation, promotes green energy and energy conservation, and helps to keep electricity prices as low as possible. To that end, this government is taking a number of measures to generate new resources of electricity.

Although we have enough electricity to meet our immediate demand, we need more generation to keep prices down and to meet the long-term needs of families, small businesses and farmers across this province.

We are committed to ensuring that Ontario has an efficient, competitive and reliable supply of energy now and into the future. As my esteemed colleagues the Honourable John Baird and the hard-working member from Niagara Falls, Bart Maves, announced on November 12, we are taking steps toward increasing electricity output at Niagara Falls.

First, we are directing, as a private-public partnership, Ontario Power Generation to proceed with the Beck tunnel project. This will involve building a 10-kilometre tunnel, which will increase output at the existing Sir Adam Beck generating station by some 10%.

Second, the Ministry of Energy is proceeding with an independent study on the feasibility of moving forward with Beck 3. This would involve building another approximately 10.5-kilometre tunnel and two 350-megawatt generating stations.

We are directing OPG, Ontario Power Generation, to speed up assessment of the new 500-megawatt generating project on Toronto's port lands on the site of the old Hearn generating station. This public-private partnership would generate sufficient electricity for approximately half a million homes.

Not only are we, as the government, making sure to develop new sources of electric power, we are also taking steps through this proposed legislation and other measures to ensure that a growing portion of Ontario's energy supply is derived from green sources.

I think that's a good point. When I think of my nieces and nephews, Bailey, Charlie, and Joey Puddister, I want to make sure that they, as they get older—because they're quite young right now—have an environment that's clean and safe. So I think this is the right initiative, where we're going to go toward green power to generate the power and electricity that we need for future gener-

ations of Ontarians, and protecting the environment at the same time. So this is a key part of the legislation that speaks to not only green power but conserving power as it stands right now.

The TransAlta natural gas plant at Sarnia is undergoing trial tests and will come on-line early in the new year with a capacity of 490 megawatts. ATCO, Coral Energy, and Ontario Power Generation's natural gas facility at Brighton Beach is scheduled to start generating in 2004. It has a 578-megawatt capacity.

A number of small water power, wind, and landfill-gas-emission projects are also under construction or at the final stages of approval, with a combined output of over 100 megawatts. We are supporting a centre for excellence for electricity established jointly between McMaster University and the University of Waterloo, which I happened to be at yesterday and I can tell you it's quite a university, down in Waterloo. The centre will research, develop, and demonstrate electricity generation technologies. It will also explore the application of new technologies to improve the efficiencies and, just as important, to reduce emissions in the generation and distribution of electricity.

Mr Speaker, as you know, currently, projects as small as two megawatts can be subject to review under the Environmental Assessment Act. I see you nodding your head, so I know that you know that. This is a barrier to the development of new supplies of clean energy. We are proposing to raise the threshold for the environmental approvals exemption for clean generation. I think that speaks very well to this party's desire to see green power come on-line to protect our environment.

Mr Speaker, I know you would agree with me that we have to look after our next generation, our grandchildren and their children, to ensure that they have a sustainable environment, a reliable source of electricity, not only so that they can heat their homes and turn the lights on but to provide opportunities for them and their children in job creation and in creating a reliable source of this power so that our province can grow and bring prosperity.

Together, I believe these measures would ensure consumer stability to allow us to focus on the many necessary developments that need to take place in the areas of generation, including alternative and renewable forms of generation, and conservation.

I think you can see the theme here: we're talking about conservation and green. I think that's key to this piece of legislation, it's key to this bill, and it's key to where I stand on the fact that we have to protect our environment and at the same time provide a reliable source of electricity, of power to the families and small businesses of the province of Ontario, if we're going to move forward and create the opportunities for our youth to be employed in the future.

Bill 210 proposes a number of incentives for investing in and producing clean energy. My colleague the Minister of Finance, the Honourable Janet Ecker, spoke about many of these initiatives last night. I actually watched it on TV last night from my apartment and I thought she

spoke very well and very clearly on this subject. I congratulate her on that. I'm sure all the members opposite listened as well. I remember hearing a lot of them agreeing with what she said, I believe. They were nodding their heads.

1540

The government believes these initiatives are necessary in order to jumpstart investment in the new generation facilities in Ontario. In face of the overall slowdown in new electricity investments across North America, we need power, and we need it soon, and these measures will help ensure that Ontario has the investment it requires to generate the power it needs.

I also believe strongly that our government has the obligation to carry out as many recommendations outlined in the select committee on alternative fuels' final report as possible. I am a firm believer in the role that such energy sources can play in creating a strong and sustainable economy in Ontario. I was impressed by the Premier's recognition of the importance of this subject, and I am encouraged that he has appointed my colleague Steve Gilchrist to be Ontario's first commissioner of alternative energy.

I can tell you that I've had the opportunity to sit on many committees with Mr Gilchrist, and I was very impressed with his knowledge of power generation. He seemed to have a good understanding of the whole subject. From when I sat down with him and he was going over the different aspects of this legislation and what Ontario needs, I think the Premier made an excellent choice in this individual, Mr Gilchrist.

I'm looking forward to hearing about the new recommendations and helping to build on his excellent work on the select committee. In fact, at this time, I'd like to publicly acknowledge the excellent support and involvement of every one of my colleagues.

**Mr Garfield Dunlop (Simcoe North):** Oh, yeah.

**Mr McDonald:** Mr Dunlop is here tonight. I want to support the involvement of everyone who sat on this committee, especially the hard-working member for Northumberland, Dr Doug Galt, who is here today as well. I must say to the constituents of Mr Galt that they are very lucky to have this individual. I can tell you, I think he has perfect attendance, and he's here day in and day out. He's here until 9:30 just about every night. I know he's here tonight, and he's smiling. Mr Galt, we appreciate how hard-working you are.

I believe that shows, regardless of political stripe, that all Ontario legislators have a firm commitment to making a better Ontario. I say that very openly. We all sit here because we all want what's best for Ontario. I would encourage all members of the Legislature to support this legislation, which really encourages green energy and conservation. I think those are two key things that, when I read the legislation, come back to me, living in northern Ontario. We're very fortunate, in that part of the province, that it's beautiful and clean. We support these initiatives. I can tell you that, being in northern Ontario, we understand how important it is to keep our environ-

ment safe, clean and viable for our grandchildren in the future.

There are some things that individuals can do as well. For example, this proposed legislation will provide individuals with a sales tax rebate for the purchase of solar panels. This goes back to clean energy, obviously, Mr Speaker. I see you nodding your head, and I know that you like the idea of clean energy. We all like the idea of clean, green energy. This is really free energy, coming from the sun, that will be able to power our homes and businesses. I like the idea of providing the sales tax rebate to the average citizen who wants to protect the environment. It provides incentive for him to go out and buy solar panels. Really, it cuts down his heating costs. I think that's good for all of us, and it's great that we go back to the fact that we want to protect our environment. Any time I see anybody with a solar screen on their roof and they happen to be out mowing their lawn or whatever the case is, I always stop to thank them for providing that service for all Ontarians, because what they have to understand by providing that is that it takes some of the demand off the grid. That enables the peak times to come down a bit. It really promotes conservation and protects our environment.

We recognize the high capital cost of these panels, but I think we all can see the long-term benefits, as I just mentioned earlier. This sales tax rebate helps make it affordable. We hope to see 100,000 homes convert to solar power within five years. That's quite a goal, but I think it's a worthwhile goal, and I think our environment deserves that. I hope Ontarians encourage their federal MPs to help Ontario in this important cause by putting in place a federal tax incentive similar to what we are proposing. I believe that all levels of government share in the responsibility of protecting the environment to ensure that everyone has reliable energy, reliable electricity, and that all three levels of government should work together for the benefit of all Canadians, all Ontarians. I think it's key that we ask that all three levels of government participate in such a program.

Some of these proposals are things that governments and other large organizations can do as well. We're committing that the Ontario government will target 20% of its electricity usage to come from renewable sources. That speaks to green power; that speaks to conservation. We challenge other organizations to match our commitment. I can tell you that our province would be a lot better off if large organizations and individuals take the challenge that this government wants to put forward. To help make this possible, we're proposing an electronic information system that will provide generators with a transferable electronic certificate showing the environmental characteristics of each megawatt hour of generation. That's quite a mouthful. Those are pretty big words, but I think they are key to protecting our environment, providing reliable energy to our homes and businesses in Ontario and, particularly because I'm in northern Ontario, providing sustainable and reliable power to northern Ontario.



I know I'm running out of time, Mr Speaker. I can see that you're concerned that I might not be able to get all my speaking notes into the record, but I want to assure you that I am going to do my best.

We are committing the government to the goal of ensuring that every newly constructed government or other institutional building is energy self-sufficient, using an alternative or clean source of energy. I think that's a great initiative. I think that shows leadership on the part of government. I hope that all MPPs will support this legislation that provides clean, safe energy to all of us who live in this province.

Through this legislation, we are proposing a requirement for net metering and connection arrangements between distributors, self-generators and small-scale generation.

One exciting opportunity that we have in Ontario, with its remote and First Nations communities, is to use wind power to supplement or even replace the costly, environmentally questionable diesel generators that, to date, have been these communities' only source of power. I was in Mattawa, Ontario, last weekend and I was talking to Mayor Backer, who seemed very keen on the fact that maybe we might be able to put clean power in the north. I was explaining to him these wind funnels that will harvest the wind. They'll provide clean energy to the north. He seemed very keen on the idea. I think it would be great for northern Ontario if it participated in this type of initiative. Not only does it promote environmentally clean electricity, it also promotes job creation and shows that northern Ontario is taking a lead in the fact that they want to make sure they protect the environment as well. I hope the federal government can lend its commitment to this very sensible and long-overdue idea.

1550

These changes are the initial steps in the move to innovate and the groundbreaking opportunities to use alternative fuel and energy. To better harness the excellent minds in Ontario working on alternative energy, the government is planning to establish a centre of excellence for alternative energy jointly between Queen's University and the University of Toronto. Its goal is to make Ontario the leading North American jurisdiction for research and development of clean energy technologies.

By paying attention to conservation, we can effectively increase our available supply of generation, help moderate prices and protect the environment. It's done with immediate payback and immediate reward for an individual company making that effort. To spur that effort, the Ontario government has committed to reducing its own power consumption by 10%. We challenge everyone—individuals, companies and institutions—to follow our lead.

We plan to help. The government will be directing substantial efforts toward a public education campaign that shows electricity consumers can reduce their consumption and thereby lower their electricity bills. Looking to the future, to a time where prices are stable enough to return to a competitive consumer market for

electricity, we need to lay the infrastructure for the time-of-use pricing of electricity. To that end, we believe that every home should have the opportunity to take advantage of interval meters. We propose that all local hydro companies should be required to offer this service.

As these initiatives demonstrate, this government has brought common sense and stability to the electricity market in Ontario. I'd like to thank you for my time.

**The Acting Speaker:** Members now have up to two minutes for questions and comments.

**Mr James J. Bradley (St Catharines):** Obviously the government is going to be required to pay, for the rebates and reduction in future bills, some hundreds of millions, if not billions, of dollars. I know the member would want to join me in expressing the concern that if federal dollars coming for health care are not specifically spent directly by the federal government, there are people within the Ontario government, particularly since Guy Giorno is back now, who will want to siphon away that money that is destined for health care and use it to pay the rebates. I know the member for Nipissing will want to join me in urging his colleagues not to do that. In fact, my recommendation, flowing from the Romanow report, is that the federal government increase its spending substantially on health care and spend it directly in Ontario on such things as diagnostic equipment and the cost of infrastructure in hospitals; in other words, places where the federal government can spend it directly, so that the members over there in the government don't take the money, as they have in so many federal-provincial programs, stick it in their pockets and give it away on their tax cuts instead of using it appropriately for health care.

**Interjection:** Name one.

**Mr Bradley:** I'll name one for you: the millennium scholarship. You took that money away. You siphoned it away from the students for your own purposes. What about the clawback in the child care tax credit, where you take it from those people and pull it back? Or disabled people? There are so many instances where this government takes the federal money and then puts its own money away in tax cuts for the richest people. I know my friend from Nipissing will be ever-vigilant about that and not want to see that money being steered somewhere else. I'm confident he will agree with me on that.

**Ms Marilyn Churley (Toronto-Danforth):** So here we have a government standing up righteously and piously claiming to be acting in the best interests of Ontarians, claiming that they're working hard to stabilize rates. What is wrong with this picture? They're the guys who did this in the first place. They deregulated and privatized hydro. They had been warned time and time again—by this party, by Howard Hampton and the NDP, the electricity coalition and many others—that this was going to happen. There were examples of it all over the world, and they went ahead and did it anyway. They said, "Trust us. Rates are going to go down." And here we are today with this desperate pre-election ploy to get people to hopefully vote for them the next time around. Well, I will guarantee

you that they won't, because they're on to this government now.

They brought in this deregulation and privatization despite the warnings, did not act in the best interests of Ontarians, but acted in the best interests of the private sector, who wanted to make big profits off the Ontarians they're supposed to be representing. And now they stand up and are offering to give us back some of our own money, that we pay through our taxes anyway, to try to cover up the huge, huge dilemma they are in as they start to go down, down, down in the polls.

What are we going to see after the next election, should they, God forbid, be re-elected? We know what the plans are: to let those rates go up again, because they have no choice. That is what we're looking at here. The people of Ontario know that and they're not going to go along with it.

**Mr John O'Toole (Durham):** If the comments from the member from St Catharines weren't so laughable, I'd respond. But the excellent member from Nipissing and his comments are right on topic. The viewer today should be aware that at the end of the day this is about the consumer and having a reliable source of electricity in the future.

If you look back far enough, the member from Toronto-Danforth, when they were in government, really started this problem. As I understand it, in 1993 they identified that there was a serious problem. Their whole government was in collapse—the social contract and things like that. They ignored it. In the meantime, Howard's been riding around Ontario in a bus with tinted windows—and there's nobody in the bus—preaching. I'll be speaking on this in some substance later.

I want to pay respect for the important issues that the member for Nipissing drove home. This government, in preparation for the broader debate, did call an alternative fuels committee, an alternative energy committee. Mr Gilchrist and Mr Galt of course served on that committee, as did Garfield and pretty well all of the members here. In fact, the member from Toronto-Danforth was on the committee. This was a unanimously adopted report, I might add. I had the good fortune to serve on that committee. But it's one of many committees this government has initiated. Mr Bradley, the member from St Catharines, would understand.

This whole thing goes back even further, from the Macdonald commission report day to the very important select committee on nuclear affairs, the NAOP, the nuclear asset optimization plan, which really clearly identified there was \$3 billion or \$4 billion of investment required at that time—Mr Bradley was on that committee—to get the nuclear plants up to production. In fact, OPG arguably still hasn't delivered on that \$3-billion or \$4-billion investment.

So the member from Nipissing, I commend you for your comments today, for helping the viewer understand what this government's committed to doing: having safe, clean, reliable power into the future.

**Ms Churley:** What a joke. Come on. I know you gotta do what you gotta do.

**The Acting Speaker:** Thank you.

**Mr O'Toole:** If there's no speaker to stand up, I'll stand up.

**The Acting Speaker:** There is somebody ready to go, once you all come to order. That especially includes you. Please take your seat.

**Ms Churley:** Thank you, Mr Speaker.

**The Acting Speaker:** Well, you too, for that matter.

Once we have order, which I know we're going to have, we'll go to the member for St Paul's.

**Mr Michael Bryant (St Paul's):** Thank you, Mr Speaker.

I listened closely to the member for Nipissing's speech. It was an optimistic speech about government conservation plans. I guess I'd firstly point out that the marketplace has been open for more than 200 days. This government has been in power for more than seven years. For the government to introduce conservation plans 200 days from the marketplace opening is either an acknowledgement of defeat, that in fact the marketplace wasn't ready in the first place, or it's simply a reversal.

I was interested to hear the member talk at length about how great these government conservation programs would be. I thought he might be interested to know that it wasn't that long ago—January 25, 2002, in Report on Business magazine—that the Minister of Energy, Jim Wilson, said this: "The private sector asked us to get out of large-scale government conservation programs. Those efforts may have made the odd person feel good but they had absolutely no effect."

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I'm sure he wasn't referring to you, I say to the member for Nipissing. I think the problem, writ large, is a government that expresses with enormous confidence the power of capitalist imperialism without checks, without supply, without demand, without management and without rate relief, and then the next day reverses its position entirely and says that the conservation programs that the Minister of Energy said would be of little effect are now going to be wildly effective, as described by the member for Nipissing. So I look forward to hearing what he thinks of what the Minister of Energy said on January 25 of this year.

**The Acting Speaker:** The member for Nipissing now has up to two minutes to respond.

**Mr McDonald:** I'd like to thank the members from St Catharines, Toronto-Danforth, Durham and St Paul's for their thoughts and their concerns on my 20 minutes on this legislation.

I listened very closely to what they had to say and I particularly caught the member from St Catharines talking about, "Are we taking this funding out of health care?" or this or that. I believe that if we're moving forward as a province, we have to promote conservation, and by doing that, sir, we're also providing a legacy for our grandchildren and their children, to provide a safe environment for them, and at the same time a reliable



power source for our homes, for our businesses and for the prosperity of Ontario.

The one part that really jumps out of this legislation to me is the fact that we're encouraging green energy, we're encouraging conservation, we're encouraging citizens to be responsible, to turn off their lights, to turn down their heat when they don't really need it. Coming from northern Ontario, I can tell you that when we turn our lights off up there, it gets pretty dark at night. I find living down here in Toronto that I turn off the lights in my apartment and it's still light out. It just seems that everybody leaves their lights on all night long, and I find it incredible that this goes on. I like the challenge: we're challenging individuals and corporations and institutions maybe to turn those lights off. There's no need to have a 50-storey apartment building with every light on.

I thank you for the opportunity to speak, finally, in members' comments.

**The Acting Speaker:** It's my understanding that both leadoff debates were deferred and therefore I will look to the official opposition for their lead-off debate. With that, the member for St Paul's now has the floor.

**Mr Bryant:** The electricity competition marketplace opened more than 200 days ago, more than seven years into Tory governance. Now we are quite literally getting the bill for it.

Seven years, 200 days, into market opening, the government of Ontario got around to announcing their supply and demand plan for electricity, got around to rolling out the rebates and the price shock absorbers owed to all Ontarians. So after 200 days of this Tory journey of incompetence, the Eves government asks us to trust them that they've got it right this time.

We all recognize that price relief was desperately needed. As Dalton McGuinty and Ontario Liberals said in this House time and time again, many Ontarians simply could not afford to pay their hydro bills. It's not that they were uncomfortable bills, it's not that they were unpopular bills; they were unaffordable bills.

I met people in Wawa who told me they had pulled out their hydro cables because they just couldn't afford to pay the bills any more and they were running their electricity through a John Deere diesel generator in their backyard. It was the 19th century, but it wasn't. It's a have province, but suddenly it wasn't.

While of course we need to bring in this rate relief and this price relief for all Ontarians, we say that much of this may be too little and it's certainly more than 200 days too late. Premier Ernie Eves has lost the trust of Ontarians with their electricity. More than 200 days ago, the Premier of Ontario, the Honourable Ernie Eves, made a decision, one that he clearly regrets, given the bill we have before us today.

The Premier flipped the switch, opening the retail and wholesale marketplaces simultaneously, the only jurisdiction in the world that decided to do it at the same time. At the same time, the government sought to privatize electricity transmission, thereby undertaking all three reforms simultaneously. The volatility caused by these

simultaneous changes, plus the political volatility of a waffling Premier and a waffling executive council, chilled the competition marketplace into a deep freeze.

Meanwhile, contrary to promises from our current Premier and his predecessor, contrary to promises from energy ministers, however many times they were shuffled, there wasn't enough electricity supply in Ontario, yet the Premier of Ontario admitted in this House just a couple of weeks ago that he didn't even bother picking up the phone to call the person who could have told him that, the chairman of Ontario Power Generation, Bill Farlinger. Incredibly, he did not pick up the phone, he said, to call Chairman Farlinger, who could have told him what Ontario Power Generation had told the world with published reports and filings, that surely the Premier knew or ought to have known about and certainly his energy minister did know about: namely, the Pickering A nuclear plant, that was supposed to provide the adequate supply in the summer and this coming winter, wouldn't be on-line on time, until next year. But that was information this government just didn't want to hear. So you heard, you saw and you spoke no electricity evils, shuffling your energy ministers to avoid accountability, and instituted a doctrine of denial on all things hydro. The strategy backfired and now no one trusts this government with their electricity.

It turns out that reforming the distribution, transmission and generation of electricity in Ontario all at once was the worst kind of imperialism. Neo-conservative ideology dictated that if you opened the market, they would just come and build without the government having to lift a finger or even dial the phone. But that capitalist imperialism, plus political ineptitude, underscored the heroic simplification in market design, such that by day 200 of the market opening and beyond, it is now clear that this government shipwrecked our electricity system and nobody trusts them with it.

New Democratic Party leader Howard Hampton says to beware of all electricity profits. He says "profits" with a dollar sign. But his current plan clearly deals with wheeling and dealing with private generators, referred to in safe parlance as "independent power producers." Consider also what the New Democratic Party was saying at the time in which all three parties were sitting down and making an effort to resolve our electricity crisis. It was time, all three parties decided, to stop playing dumb on hydro. At that time, at that select committee, the NDP representative, Floyd Laughren said "I don't have a big problem with bringing competition into the system." In the December 1997 report coming out of that committee, the NDP states in their conclusion, "We support changes to the way Ontario's electricity market is structured."

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**Ms Churley:** We still do.

**Mr Bryant:** So I say to the member for Toronto-Danforth who just spoke forth, and to your colleagues in the New Democrat Party: instead of your faux paranoia over electricity profits, perhaps Ontarians should beware

of false prophets offering imaginary maps of faltered government efforts past, of failed hydro efforts past.

For the flipside of the capitalist imperialism that faltered for this government on electricity, the extreme alternative of the bureaucratic imperialism of the old Ontario Hydro, with all power resting in the debt-belching hydro Frankenstein, cannot in the long term make for a healthy electricity system in Ontario.

*Interjection.*

**Mr Bryant:** I do.

The future for Ontario electricity is not bright. Let's avoid the simplification and imperialism that got us into this mess, and look to workable manageable improvements to our power shortage, replete with consultation and due diligence. Let us look not to the margins of ideological simplifications, but rather, determine what's workable and what delivers reliable and affordable electricity to all. Let's work with consumers and industry alike, putting aside planning on the back of a napkin, and pour the light of transparency on an electricity system shrouded in secrecy. Let us speak the truth to Ontarians, even if it hurts, about how and why power at cost is very costly.

Now that the diagnosis is in on the electricity shipwreck, the journey that started in May of this year, after only 200 days, I believe Ontarians will beware of magic bullets claiming the power to slay hydro dragons. We will look very closely at this bill in the coming days, as all MPPs seek to earn Ontarians' trust with their hydro.

Let us start at the beginning: the announcement by the Premier of Ontario that the marketplace would be opening. It was December 19, 2001, that Premier Harris said, "Nothing is going to go wrong. The supply is there." The Premier said he was confident that the end of the provincially owned monopoly would benefit consumers. And then he said, "This will clearly lead to better service, more choice and lower rates than if we had not taken this decision." If that were the case, then this bill would not be before us today.

The government made promises that they could not and did not keep. This did not happen. The supply was not there; the consumer protection was not there; the conservation measures were not there; the market wasn't ready. The market was opened with reckless abandon and then shipwrecked. This is the raise-the-Titanic project that we now have, announced on November 11 of this year, the bill before us. But let's be clear. All those pronouncements of this government, before the marketplace opened, turned out to be wrong.

The Premier would later say in an interview with the *Financial Post* on December 19, "I am 100% convinced" that opening the marketplace will result in cheaper power for consumers. "I am convinced," he said, "rates will be substantially lower than they would have been had we not taken this decision."

On September 25, 2001, the Premier said in the House: "We made it very clear, the conditions for opening the market in Ontario and the conditions that we laid out. We made it very clear that the market would not

open unless we could meet those conditions, like ample supply..., as appropriate competition to ensure that we're getting the competitive forces."

He said "We made it clear" in September. He said "We made it clear" the conditions have to be ample supply. And yet the government has known for a year now that Pickering A would not be up on-line and on time and there would not be ample supply. They were given the warnings. They may call it bad information now, but it was simply information that they did not want to hear.

It wasn't just the Premier who was making bold predictions and bold promises to Ontarians to trust them with their electricity. The energy minister too, Honourable Mr Wilson, said March 21, 2002, six weeks or thereabouts before market opening, "Ontario has a reliable supply of electricity."

He said on February 28, 2002, the week previous, "I am convinced that Ontario's competitive electricity market will enjoy the same success as other jurisdictions." Clearly, if that was the case, this bill would not be necessary. This bill is bringing in measures that had to have been in place before the marketplace opened. It is in part cleaning up a mess; it is in part doing what should have been done before the marketplace opened in the first place.

It is obviously an admission of defeat. I've said time and time again that nobody has a monopoly of success or failure when it comes to hydro in the Legislature, looking at the efforts of all governments over the past 25 years. Nonetheless, what we have experienced over the last 200 days has truly been a journey of incompetence. That, I will try and convince the House, could have been foreseen had all of the warnings been heeded.

The energy minister also said, interestingly—and I said this in response to the speech from the member for Nipissing but I'll say it again—on January, 25, 2002, in an interview with *Report on Business* magazine, Energy Minister Jim Wilson said, "The private sector asked us to get out of large-scale government conservation programs." Those efforts "may have made the odd person feel good, but they had absolutely no effect."

This is a serious indictment on the announcements of the energy minister—the latest energy minister that we have—of this government that he made on November 13, the infamous day that Hydrozilla showed up and ruined the announcement; the infamous day, I suppose, that the government conceded that Energy Minister Jim Wilson was wrong, that in fact we need those conservation programs.

In any event, clearly nobody can trust this government on this subject when within 12 months you've got one energy minister saying conservation programs have no effect and another energy minister holding them out as a panacea.

Minister Wilson made it very clear, and I think to his credit, in 1998. He said it's not Ontario Power Generation that's running the show here. It's not Ontario Hydro One that's running the show here on electricity reforms.



It's not the Ontario Energy Board. It's not government enterprise corporations. It's not crown corporations. It is the government that must be held to account for the successes and failures of these electricity reforms. He was right. He was honest. He famously said in this House that, I think, he is the first honest energy minister—may have been in the history of Ontario, he said.

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He said on June 25, 1998, "The government will take the decisions in establishing the market along with the expert advice we're receiving from the Ministry of Finance." Now, who was the Minister of Finance in June 1998? I can't remember. Oh, Ernie Eves. He was the Minister of Finance. What Minister Wilson is quite rightly saying here is that the Premier—the finance minister of 1998—and the energy minister of Ontario ultimately must be held to account for the failures of this marketplace; not Mother Nature, not Eleanor Clitheroe, not Mr Farlinger or Mr Osborne or Mr Laughren, but the government of Ontario, the executive council, which comes to this Legislature to be held to account, which in turn is to be held to account amongst the general public.

I think Energy Minister Wilson was right when he said that; it's the government that will make the decisions in establishing the market. Ultimately, I think it has to be said, given the bill we have before us today, that the government is the one to blame. It's the government that has failed and not the scapegoats that they seek out, as we speak.

He went on to say of the chair of OPG, "I would remind all honourable members that Mr Farlinger and the new management that he has put in place at Hydro are turning around Ontario Hydro. He is a 'hands-on' manager.... It's on a direction now to be a world leader in supplying world-class, high-efficiency energy to the people of Ontario. We're the shareholders and it's in our best interest that we have the best possible management and the best possible chair."

I wonder if the energy minister today feels that way about our management and chair of Ontario Power Generation. If he does, he sure has a funny way of showing it.

I have asked Energy Minister Baird on several occasions in this House, "Do you have full and unqualified confidence in Chairman Farlinger and CEO Osborne?" When I first asked him that, he said, "Oh no, they are two different people." And he sat down. This was not a ringing endorsement. So I thought, "Well, I'll ask the Premier. He'll give a ringing endorsement, surely, of Chairman Farlinger and CEO Osborne." And he wouldn't do it either. He bounced the question over to the energy minister, who didn't answer the question.

You have to ask yourself, either the government of Ontario has full confidence and believes that Ontario Power Generation has the best possible management and the best possible chair, as Energy Minister Wilson said, and they'd stand up and say it proudly, "Yes, we've got the best possible management and the best possible chair," or they would say, "Well, we've got problems over there and we're going to fix it." In fact, the Minister

of Energy said of OPG's handling of the Pickering A nuclear refurbishment, "It was not OPG's finest hour."

The Premier, under questions this week in the media about whether or not he had confidence in Chairman Farlinger and whether or not Chairman Farlinger's tenure would continue, started talking about the delays in Pickering A. These are not words of confidence in the chair and management of Ontario Power Generation.

But I say to the Premier and the energy minister, this is not colour commentary. This is not talking about whether or not the coach and the quarterback are doing a good job or not over on TSN during half-time. You're the government. You are the ones who appoint them. As the energy minister said, "You're the shareholders, representing the people of Ontario, so you must take action if you have problems with what's going on over there."

Not only have the Premier and the energy minister damned these people with the faintest of praise, but they have damned our energy supply with the faintest of leadership, trying to be, I guess, vaguely critical of Ontario Power Generation performance, but at the same time doing nothing about it. It obviously must put Ontario Power Generation management in a state of paralysis and it obviously contributes to heap even more volatility upon the electricity marketplace, and so nobody wants to come and do business in the province of Ontario.

Meanwhile, the effort on behalf of the Eves government in particular to try and shuttle energy ministers in order to avoid accountability and to play this game of see, hear and speak no evil on energy electricity, that effort has an air of unreality when you consider the practices of the Ministry of Energy in conjunction with Ontario Power Generation.

Here's Energy Minister Wilson on June 10, 1998. He sets forth in print, in Hansard, the practice of this government, which continues to be the practice of this government based on answers that I recently received in the autumn from the Deputy Minister of Energy during estimates committee hearings. Here is what Energy Minister Wilson said: "I meet with Mr Farlinger and Mr Osborne every week at a set time, as did my predecessor Norm Sterling, as did my predecessor Brenda Elliott." So the Minister of Energy meets every week, and maybe now it's two weeks, but in any event meets on a regular basis, with the Ontario Power Generation chair and CEO.

Any suggestion that the government didn't know about the state of affairs at Ontario Power Generation, any suggestion that the government didn't know about the lack of energy supply in the province of Ontario, any suggestion that the government can point fingers about the delays in the refurbishment and Pickering are, frankly, unbelievable. They cannot be believed. You cannot imagine that the Minister of Energy would be sitting there with Chairman Farlinger and CEO Osborne and say, "I'm looking at this report, Chairman, and it says that Pickering is not going to be up until 2003." This is before the electricity marketplace opened, as I'll explain in a moment. Those reports were available for the

public. I'm assuming the Minister of Energy got hold of the annual information filings. You don't think that the Minister of Energy said to Chairman Farlinger and to CEO Osborne, "So we've got delays in Pickering, huh?" "Yep, that's what it says here." "Why? When is it going to be fixed? Do we have enough supply? What's going on?"

Of course they did. Of course the government was doing that. Of course the government knew. Are we to believe that the energy minister was just tapping his fingers on top of the Ontario Power Generation forecasts of lack of supply? That is unbelievable. It's simply unbelievable.

To bolster this case, consider the pronouncement of victory from Minister Stockwell on June 5, 2002. He was asked about whether or not Ontario Power Generation was doing a good job. You'd think, if the government was told in November of last year that there were going to be delays in Pickering, if they were told in January of this year that there were going to be delays in Pickering, if they were going to be told before the marketplace opened that the Pickering A nuclear plant would not be refurbished and we would not have the supply the government was counting on until 2003, you'd think that if the government was aware of all that and had a problem with that, at some point in one of those weekly meetings between OPG and the Minister of Energy, the Minister of Energy might have said, "You're not doing a good job."

Yet here is the Minister of Energy, on June 5, saying, "He's done a good job at OPG." He was talking about CEO Osborne. I asked him whether or not CEO Osborne is getting the salary that he deserves. He said about Mr Osborne, "He's done a good job at OPG. OPG is running well. They've done a good job of privatizing. They've done a good job setting up the open market. I think Mr Osborne has done a good job, and at \$1.7 million a year, I suppose that's reasonable."

Whoa. Clearly the government was aware and defending the actions of Ontario Power Generation right through to June, past the market opening, right at the cusp of what happened: the price spikes. The price spikes hit. Caucus meetings were no doubt very civil affairs on the government side, and the question was asked to the energy minister, "What is going on? Why these price spikes? How come?"

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Soon enough, energy ministers were shuffled and the new message was out: "It's not the government that's to blame; it's Ontario Power Generation that's to blame." No longer does the Minister of Energy say that OPG is doing a good job. No longer does anyone express confidence in Chairman Farlinger, a man referred to by the Premier of Ontario, Mike Harris, as a man of integrity. No longer are they talking about the "exciting new vision" that Chairman Farlinger brought to Ontario Hydro. No longer are they calling Mr Farlinger the best possible chair of OPG. No longer does the government refer to the best possible management team at OPG.

Now it's not their finest hour. Now OPG is full of delays. Now the finance minister, Janet Ecker, expresses concerns about delays. Now the energy minister is saying, "The delays are unacceptable." Now the Premier is saying, "You've got this delay and then that delay and then this delay and then that delay. You know, there's a problem with all these delays." No longer is there confidence. Why? Because it hit the fan. The prices went up. The price spikes went up.

By all accounts, the government was warned before market opening. Remember, the energy minister said it's the government that set up the marketplace. You can't blame anybody else. The government was warned. I know, because I've spoken to so many of these people.

They were warned by industry. They were warned by distributors. They were warned that this marketplace, as it is currently designed, is not built for price spikes, that it is not built for volatility, and that if you get it, the system won't be able to handle it. The distributors will have to underwrite it and they will be put on the edge of financial ruin. The consumers will have no price shock-absorbers, the government was told. They will flip out and not be able to afford their bills. In the midst of that volatility, political decisions will waffle on a weekly basis and you will end up with a deeply frozen, chilled marketplace that nobody wants to invest in, with consumers who can't afford to pay their bills, and with distributors who are put in a position where they have to go back to get some rule changes, which were denied, so that they don't have to declare bankruptcy.

The government was told, "You built a market that does not meet the realities of Ontario and the fact that we have one major player in the marketplace, and that's Ontario Power Generation."

"No, no," apparently the answer came back from the government, "there will be no price spikes." Of course, we would love to have a select committee, and we have called for a select committee. I bet the third party would support a select committee to find out and get to the bottom of what happened with this marketplace. The government doesn't do that, but maybe the government will change its mind and will agree to that so that we can try and find out what happened. I would love to confirm all this, get the people to come in and speak on camera and for the Hansard and explain what they explained to the government, the warnings they provided to the government.

The government, as I said before, constructed a fancy, red convertible without a top and then they drove it out into the Arctic tundra. Then everything got a little bit uncomfortable for the passengers. Everybody got uncomfortable, it turns out, including the government of Ontario.

The government was warned. When were they warned? How were they warned? In black and white, in reports filed by Ontario Power Generation that are sitting on their Web sites right now. It's not difficult to find them.



The first one was on November 27. Ontario Power Generation said that the reactor at Pickering could not be repaired by May 1: "OPG expects to begin commissioning the first unit of Pickering A nuclear generating station in mid-2002." It's a year ago the government got that warning.

Then it got worse. It got pushed back again. January 30, 2002: "Ontario Power Generation reports 2000 year-end earnings." It's a press release basically. In it OPG states, "Commissioning of the first Pickering A unit is estimated to start during the third quarter of 2002."

It's getting shakier still. First November and now January, and suddenly Pickering is not going to be coming back on-line until the third quarter of 2002. That's when the alarm bells should have gone off and the government should have said, "Whoa, we don't have adequate supply. Pickering is not going to be ready. We're not ready to go. We're not ready to flip the switch."

I understand, the Premier was too taxed to pick up the phone and call Chairman Farlinger to get that information, but it is frankly beyond belief that the Minister of Energy of the day did not deliver the information to the Premier that Chairman Farlinger delivered to Premier Harris—because he had the time to meet with Chairman Farlinger to find out about the state of Pickering. It is unbelievable that the Premier did not sit down with the Minister of Energy, who we know was meeting with the chairman and CEO of OPG every week. He knew, because he read those reports. He knew, because he would have discussed this in their meetings. I can't imagine a matter that would have been more urgent than this. So the Minister of Energy knew that Pickering A was not going to be up on-line and on time, and he knew it last January.

But it gets worse. The annual information form for the year-end December 31, 2001—this was filed before the marketplace opened up—says, "OPG currently expects to return the first unit" at Pickering A "to service in late 2002 or early 2003."

Well, there it was in black and white before the government of Ontario. Not once, not twice, but three times they were told by Ontario Power Generation. The energy minister was told, and the energy minister must have told the Premier, that in fact Pickering A was not going to be up on-line and on time. It is the government that has to be held to account for it, because they were told.

The Premier had to make a big decision. He won the leadership of his party and was the Premier-elect, or whatever he is called, on March 28. He was sworn in in April. He got his first briefing the first Monday after he won the leadership on March 28. This is a Premier who must have been told this information. He had to make a decision: does he delay market opening until we have the supply-and-demand conditions that this bill today tries to put into place? Does he wait till we have the price shock absorbers? Does he wait until he has the rebate system ready to relieve consumers of unaffordable bills? Does he wait until he has the supply plan in place that is in this bill before us now? Does he wait until he has the con-

servation measures announced on December 13 and that are in this bill now? Does he wait or does he flip the switch and open the marketplace? He did the latter. He opened the marketplace with reckless abandon. Either he was wilfully blind to the damage that would be caused or he decided that he would believe in the theory of capitalist imperialism that says, "If you just open the market, it'll all be OK."

Well, clearly that is not the case or else we wouldn't have this bill here today. This is the bill to make up for the mistakes of the past. It's an indictment of that major decision made by Premier Ernie Eves, the first major decision that faced him as the Premier of Ontario. Lord help us when he gets his hands on the funding formula and on the Romanow report, because then he's going to have some other tough decisions to make, ones requiring consultation and diligence and getting things ready before you open it up. That's not what happened with electricity. What happened with electricity was a journey of incompetence, and it's all right here in black and white.

So the National Post, no enemy of the government, writes on November 13 in a column by Andrew Coyne, "Mr Eves's blatant politicization of the electricity market, as others have pointed out, has erased any chance of developing a private power industry in Ontario: investors simply do not trust it. Well it is just the same for voters. I mean this quite literally: voters have no reason to trust a word the Eves government says.... The Ontario ... government has reached the end of its useful life. It should be removed—no, hurled—from office, and the sooner the better."

Clearly, along the way, the transmission chaos contributed to the volatility. Here's what I mean by that: the reforms to distribution and the reforms to the wholesale market generation took place at the same time. The retail marketplace and the wholesale marketplace opened at the same time in November. As I said, I think in retrospect the government sees that as a mistake, because they've had to come in and bring in changes to it.

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In the midst of that were the reforms to electricity transmission, the third part of our electricity system; not only the stuff upstream that makes the power, generation; not only the stuff downstream that delivers the power, distribution in retail; but the stream: the electricity transmission highway. That was wholly owned by the people of Ontario, Hydro One, a natural monopoly and money-maker for the people of Ontario. Like Highway 401, it's a matter that had to not have a fiduciary principle but good public policy as its guiding principle. It had to put the people first. This is a company that made money for the people of Ontario. Hydro One was a natural monopoly and a natural money-maker.

It is also the electricity highway that other potential investors would plug into. The independent power producers would plug into the highway, and they needed to know there would be a highway to plug into. They're not going to travel, build the vehicle and try to deliver it

downstream if there's no stream. If there's no electricity highway to travel along, obviously they're not going to come in and build it. If there is volatility with transmission too, it would be the death knell of the reforms, and of course it was.

In December of last year, Premier Harris announced that Hydro One would be privatized, sold via an initial public offering; the whole thing, 100%, sold to the private sector. Interestingly, the now Deputy Premier, Elizabeth Witmer, said during the leadership debate that she had concerns and questions about selling off Hydro One. The cabinet was aghast. Now-Premier Eves, Mr Stockwell, now the House leader, and all the other candidates thought it was outrageous that Mrs Witmer, now the Deputy Premier, would in fact slag the selling of Hydro One. She turned out to be prophetic.

Then Ernie Eves took over, became the Premier of Ontario, and he said, unequivocally, "The IPO is on. The IPO is on. The IPO is on. We will sell Hydro One." Then a by-election came along, one that the member for Nipissing is very familiar with, and suddenly the IPO was off the table. It was off the table during the by-election. It was at that point—between having your Deputy Premier question the wisdom of this move, the public pressure about the stupidity of the move and the Premier saying in the midst of a by-election that the sale of Hydro One was off the table—that everybody who might come and invest in the province of Ontario and build more electricity, so that we could have the supply and lower prices that were promised by Premiers past and present, just said, "Forget it. We're not coming into this province until this mess is cleared up."

In the midst of it, the former Deputy Premier—the runner-up in the leadership race to the current Premier, now the Minister of Enterprise—Mr Flaherty said, "No, the IPO should go ahead." It was really a flip-flop, Flaherty flipped, and then the whole thing flopped after the by-election. The decision was made that Hydro One wouldn't be privatized by an IPO, but they'd sell 49% of it.

That volatility and a total lack of certainty as to what the government of Ontario will actually end up doing on Hydro One—because now we've asked the present finance minister, "What are we going to do with Hydro One?" The answer from the Premier at some point was, "There's no rush." So we don't know what's going to happen with Hydro One. Again, that volatility. Clearly they're going to sell Hydro One, and it's enormously unpopular among the people of Ontario. They're going to do it through a fire sale to try to finance electoral promises, but from an electricity reform perspective it was a disaster.

On top of all that you get the political chaos of a Premier who is changing his mind on transmission on an almost bi-monthly basis. You then have, when the heat is on, a former cabinet minister, now-member for Burlington, send out a petition saying that we should freeze rates. You then have the Minister of Labour—there's a principle of cabinet solidarity that says that if you want to

depart from the cabinet's position, then you must resign. Nothing could be more straightforward than departing from the position of the government on the competition marketplace, but he just bolted. The Labour Minister said, "No, I don't like the current system and I think we need to bring in price caps."

The parliamentary assistant to the Attorney General said the same thing in published accounts. There were others. The Speaker of the House—not the current Speaker, but Mr Carr, the member for Oakville—also released a petition.

So there is the political instability. Again, if you are an investor, you are thinking of building in the province of Ontario to provide enough supply. When I talk about the independent power producers, this is something that all three parties—check out their Web sites—support: the concept of independent power producers coming and providing power so that the taxpayer isn't picking up the tab. But they're not going to come in under these circumstances, with the government falling apart at the seams, a total lack of confidence in the policy of the government.

Then, of course, on November 11 the Premier announced that the rate freeze would be brought in. It was pretty clear by September at the latest that rate relief was necessary. I think it was incumbent on all members of the Legislature to try to assist their constituents who called up. Many of them had heart-wrenching problems with their bills. They couldn't afford them. They couldn't understand them, nor could the Energy Minister. I asked the Energy Minister to read an energy bill from Great Lakes Power and he could not. It was very unclear. We need standardized, clear energy bills. People couldn't understand them, they were too high and they couldn't afford them.

So we had a mess. We had a fire that had been started by the government, and I think it was incumbent on all members of this Legislature, no matter what side of the House we were on, to help put out the fire. That does not mean that the New Democrats and the Liberals were complicit in the arson, or, to switch metaphors, put the holes in the ship that was our electricity system, now shipwrecked. No, but we had to help. We had to try to put this fire out. So working within the current rules and laws that were before us, Dalton McGuinty and the Ontario Liberals began, at the first instance when the House returned, to call for the government not to roll the rebate out next summer or before the next election, but to roll it out now. Thus began the campaign to roll out the rebates to compensate Ontarians for Herculean hydro prices.

October 1, 2002, press release from the official opposition: "OPG Needs to Roll Out the Rebate to Compensate Consumers Now." I said in a question to the energy minister and also in my statement in response to a minister's statement: "So our message to the government is, we need relief for Ontario consumers now. We need you to roll out this rebate now—the full rebate, all the rebate and nothing but the rebate now. Will you join us in



fighting to roll out the rebate now?" That's October 1, 2002.

We are here now, rolling out the rebate. We are here now, calling for the price shock absorbers that should have been put in place before the marketplace opened. Obviously, the price relief had to be provided.

On October 3 I asked the Premier, "It's the people's money, not yours to play with. Why won't you give Ontarians their hydroelectricity rebate now?"

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Initially, the Premier wasn't interested in this rebate. He talks about Tinkerbell and the bedpost sometimes. He was in political never-never land at the time. He just refused to admit what this bill before us admits, that in fact he made the wrong decision in opening up the marketplace the way he did.

Here's what he said on October 3: "I indicated this morning that I expect the rebate program to be as advertised by OPG and I expect the people of Ontario to be entitled to their rebates." The way it's advertised by OPG is, they wouldn't get it until August of next year. That didn't stay the case. The Premier said it would stay as advertised, then he changed it on November 11.

In the October 8 standing committee on estimates, I asked the energy minister, "When do Ontarians get their rebate?" The minister said, and I quote, "It could be in August; it could be in April." Boy, that sounded a lot like a pre-election goody rebate, August or April. The government refused to roll the rebates out now. Now they're trying to roll out the rebates, but that wasn't their plan in early August. It was our plan; it wasn't their plan.

October 16: I asked the Premier, "Will you agree to roll out the rebate to compensate Ontarians for Herculean hydro rates now?" The Premier said, "We will look at the long-term picture.... It's important to get the entire picture before you decide what a rebate is going to be. You can't do it on the basis of a week or a month or even a three-month period of time." You can't do it, he said. "So it will be important to look at this in a long-term perspective."

Again, this is October 16. This is three weeks before the announcement of this price relief measure and he's still in never-never land. The Premier is still saying, "No, you don't get the rebates yet. You can't do it." He said you can't do it. He just dismissed the Ontario Liberals' effort to get the rebates rolled out now. He dismissed it and said they can't do it.

So we try again, because we don't give up. October 18: I wrote the Premier and said, "With news that September rates are even higher than those of July and August, it is time for you to show some leadership and roll out the hydro rebate for Ontario families and businesses immediately." I didn't get a response to that, or I'm waiting for my response. I guess I got my response and it's the bill before us.

November 5: Dalton McGuinty asked the Premier, "When, Premier, are you going to help these people by providing them with a rebate?... Where is the rebate that they need today?" I don't know how many times we had

to tell the Premier that people can't wait until August, that they can't wait for this long-term rebate, that they can't wait for some pre-election goody, that they need the rebate now. Why? Because bills are unaffordable now. This isn't about giving people a goody. This is about helping people afford their bills. This is about affordable electricity, which the government promised to provide, but did not, and thus we're here today with this bill.

November 5 I asked the Premier, "What people want to know now, Premier, is, when are you going to be rolling out the rebate and how much is the average rebate going to be?" We didn't get an answer from the Premier. We have been trying. Dalton McGuinty and the Ontario Liberals have been trying, and fighting to get that rebate rolled out.

We now have a bill that the government suggested in their responses would never be needed because the rebate would never be needed, and yet we now have the rebate. Why? Because eventually the Premier figured out what Dalton McGuinty had been telling him, and that was that electricity prices were just plain unaffordable. Jobs would be lost. The economy would be further crippled. More people would find themselves unable, in some cases, to pay their rent, those on fixed incomes, or meet their basic needs. Why? Because they couldn't afford their hydro bills. They just couldn't afford them. But now we have it before us.

Is the bill perfect? As soon as the bill was introduced, I asked the Ministry of Energy for a briefing, because obviously there's a lot in this bill and we wanted to make sure that Ontarians were getting the rebates they deserved, that in fact the price shock absorbers were there that were needed. I, as member for a Toronto constituency, was particularly concerned that customers of Toronto Hydro, those who had signed on to fixed contracts, especially those who signed on to fixed contracts unaware of what they had signed, would be protected.

So I asked for the briefing, and we didn't hear back from them. I do not fault anybody in the ministry. I do not fault any of the ministry staff. I know the professional civil servants tried to put something together as quickly as possible. It is sad, frankly, that the bill was introduced before the briefing was ready. I said that obviously I need to have a briefing before I can start debating the bill. That should go without saying. That's not the way it works in the Ontario Legislative Assembly. The briefing was scheduled, guess for what time. It was 4 o'clock this afternoon, when I was rising to speak. Just a fabulous coincidence. In any event, looking at the bill, I can say off the top that there is obviously a great concern that this government has got to address and that they know they have to address.

In his announcement on November 11, the Premier said, and this is from his press release, "Large commercial and industrial consumers could choose between their current arrangements and a fixed 4.3 cents per kilowatt price for power." The problem, as Minister Baird found out afterwards, was that would mean that all the industrials, all the big companies, would go with the 4.3 cent

price cap, which would mean that nobody, no generator, could ever get the financing to come in and build in Ontario, because they wouldn't have the anchor base load with a large company and thereby be able to provide power for all Ontarians. So they found out that if they did this, what they promised they'd do on November 11, literally the wholesale marketplace would have shut right down.

A few days later the Minister of Energy said on CBC radio that he was talking with big commercial and industrial users to see if they should be exempt from the freeze and permitted to buy their power on the open market. It's another change of policy, another one after November 11. I would have thought they would have got their fix-up plan fixed up before they announced it, but they didn't. Now the government's in a tough position from a negotiating perspective because they made a promise they know they simply cannot keep. But that is in the current bill and that's a big problem. The government knows it's a problem. Again the homework wasn't done.

Just as they rushed to open the marketplace without having got their act together, this thing was rushed out. They waited too long and found out too long—despite the fact that for months everybody was telling them hydro rates were just too high and hydro bills were unaffordable, they were in denial. The doctrine of denial has set in over there, energy ministers have been shuffled, so if you ask a question of the current energy minister, he could say, "I've only been the energy minister for a few weeks." "What about your predecessor?" No answer. Mercifully we have Hansard, mercifully we have published reports, and so we now have the record in Hansard of what happened.

What happened is that the government was warned that there was not enough supply. The government was warned that they had to have a supply-and-demand plan. The government was warned that they had to have consumer protections. The government went ahead and opened the market anyway. Then when the government found out what a mess it was, there were a lot of shuffles and a lot of prevaricating, and this new bill to try and fix it. But to make matters even worse, the new bill has got a big problem in it, in that it will totally shut down the wholesale marketplace, which the government is relying on desperately for reliable and affordable power. It will shut it down for good.

I have a funny feeling that in the comments in the leadoff from the third party you might just hear a thing or two about Dalton McGuinty and the Ontario Liberals, so I would be remiss if I did not, in my remaining five minutes, talk a little bit about New Democrat solutions, diagnosis and prescriptions.

I would say that for all the wrong reasons, Mr Hampton's diagnosis of the electricity system in Ontario did turn out not to be inaccurate. However, now's the time, now that this bill is in and the price freezes are in place, to look at the prescriptions of the New Democratic Party. People may be surprised to learn that one of those

prescriptions involves that thing the NDP allegedly reviles: private power.

If you go to their Web site, you will see they are interested in public-private partnerships. "When new supply was needed, the government would be," and this is a quote from their Web site, "open to bids from non-utility generators who meet environmental standards. Much of this would be independent power." Do you know what independent power is, folks? It's not public power. So do you know what that means? It means it's private power. Independent power is private power.

1700

This whole debate about bringing back public power is a total misnomer. Right now, public power is about all we have: Ontario Power Generation. So any paranoia over privatization, however wrong that may be with Hydro One and how ever wrong it may be, obviously, to privatize the nukes in Hydro, it hasn't happened. It's not privatization that is the sin, and I heard the member from Toronto-Danforth say an hour ago that privatization drove the prices up. Privatization? What privatization? There wasn't any privatization. There wasn't any.

So, then I guess the danger is private power. The NDP says that private power is the enemy. The only robber baron out there right now is a public company. It's called Ontario Power Generation. They're the ones who are making a lot of money. It's not Enron, it's not a private company; it's OPG. So independent power, private power, call it what you want, is the only affordable way, along with public power, that we are going to provide reliable and affordable electricity.

I think it's just a false debate to suggest that this is about privatization and public power and private power. It's not. All three parties want to get so-called independent power producers to come to Ontario because we don't have enough supply. All three parties want that.

If you want to talk about records, and I know the New Democrats just might cite Liberal pronouncements past, and accomplishments past, I suppose I must talk about the NDP record during their governance between 1990 and 1995. This is the government that used hydro by Costa Rican rain forests; raised rates by 40%; built no supply; added \$4.2 billion to the debt in private power contracts; cancelled the hydro lifeline to Manitoba; and promised, and then broke the promise, to give everyone a new refrigerator.

I say with respect to the New Democrats' prescription, they are for private power like everybody else. They are for independent power producers like everybody else.

*Interjection.*

**Mr Bryant:** You'll have your chance in a minute.

They'll either blow up the debt, or they'll hike your taxes, or both. They won't say they'll lower rates. They'll just keep them stable, they say. They can't keep power going when we need it most because they refuse to import, and would cancel the Bruce A restore.

The great political tango being played right now between the party in power that engineered this journey of incompetence in electricity and the New Democrats



speaks the line that at least the New Democrats are consistent. I say they were for a competition marketplace in 1997; now they're against it. They say they're against private power, but it's on their Web site. I hope all Ontarians will take a close look at all—

**The Deputy Speaker (Mr Bert Johnson):** Thank you. Time now for comments and questions.

**Ms Churley:** The Liberals are still desperately trying to justify their position in support of deregulation and privatization of hydro. They're still trying to make the case for privatization and deregulation. "It's not bad, and it's the right way to go. It's just that these guys, the Tories, blew it, did it all wrong, were incompetent and did it too fast." But if it were the Liberals, they would have done it right, while still ignoring, listening to the speech today, what happened in California and other jurisdictions, completely ignoring the price manipulation that went on, the Enrons of the world. There are already investigations going on here for potential manipulation of the market. They're still ignoring all of these things.

Then he has the nerve to stand up and say that the NDP once supported—now, this is really getting desperate—privatization. A member who has not been with this caucus for several years sat on a committee and was quoted as saying that he had no problem with some private sector involvement. Look, this caucus under this leader has consistently and always opposed privatization and has been the only party to do so. We have made it clear from that time on, and we have never wavered from that position.

We have always said that changes need to be made. We still say that changes should be made, but we are the only party that's made it clear that we do not support privatization and deregulation. That is the bottom line here. We have seen from other jurisdictions that it doesn't work. We predicted the rate increases. We predict brownouts and blackouts, given what's going on. The NDP does have a credible plan to deal with all of those issues.

**Mr McDonald:** I listened to Mr Bryant speak. I have some Hansard quotes here that I just want to read on their position on hydro. Sean Conway, invitation to a \$350-per-person energy sector reception: "Throughout Ontario's electricity restructuring process, Dalton and the Ontario Liberals have been consistent supporters of the move to an open electricity market in Ontario."

This goes on to say, "I think that it's important that we move ahead with competition both in terms of generation and in terms of the transmission."

Sean Conway says, "Let me be clear. We need a competitive marketplace." The electricity market that we have "is one where we see a competitive market in the generation of electricity."

Mr McGuinty goes on, "I have been very consistent with respect to Hydro One. I think it should be kept in public hands. I have been very consistent when it comes to generation" that it should be competitive.

Mr Bryant says, "The only way we're going to get more made-in-Ontario electricity is to permit the private sector to come in and build made-in-Ontario electricity."

Mr McGuinty says, "The responsible thing to do would be to bring the private sector in with the public sector and say, 'Look, folks, we're going to have to work together here in a place where there is real competition and tough regulations to make sure that we can have'" sufficient electricity.

Mr McGuinty goes on to say, "Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the debt...." He also says, "I'm not saying today that I'm guaranteeing we're going to leave this ... package" together. This was on November 15.

Mr Bryant, on October 28, 2002, said, "Our position has not changed since 1997." Mr Bryant, I agree with you. You don't have a position on hydro.

**Mr Monte Kwinter (York Centre):** I am delighted to participate in—

**Mr Howard Hampton (Kenora-Rainy River):** Monte, tell us about Patti Starr.

**Mr Kwinter:** Let me just tell you about some other things first.

What I really want to talk about is that this government never misses an opportunity to seize an opportunity. When they made their announcement on November 11, this sort of casual view of the Premier sitting down in a typical Ontarian's living room to talk about the fact that he was going to give that family a rebate—this is a family that had a 50-inch television set and lives in a house that most people would aspire to in their dreams. And what happens? Instead of coaching this person—because obviously this wasn't just a casual drive-by where he said, "Let's drop in there and talk to this person and see what they have to say." They had to bring in generators, they had to bring in the media. It was fully orchestrated.

"What do you think of this?" She said, "Oh, this is wonderful. We thought we were going to have to cut back on our Christmas lights and now we're going to have to put out all of our Christmas lights again. That's fabulous."

She could have said, "Mr Premier, do you know what? We really appreciate the fact that you're trying to help us out, and to show that we are going to do our part, we are going to cut back on our Christmas lights." A kilowatt of energy saved is more valuable than a kilowatt of energy generated, because you've got to pay to generate it. When you save it, it costs you nothing. In the end of the equation, one kilowatt saved is identical to one kilowatt generated, other than the cost. I think there was an opportunity that could have been followed. It could have sent a signal to the people of Ontario that we are prof-ligate.

I talk about the member for Nipissing; I agree with him. When I'm down in Florida and I talk to people, because of the cost of power, they are so conscious. You cannot buy an electric kettle in Florida because it draws too much power. People don't turn on their air condition-

ing until they need it. I'm saying that this is an area this government should pursue.

1710

**Mr Peter Kormos (Niagara Centre):** The member for St Paul's speaks of free fridges. How enviable it is to be so young, because I remember the government of paint jobs and free fridges. It was the Liberal Peterson government of Patti Starr. As a matter of fact, one of the first capers that Shelley Martel and I ever embarked upon was when, with great stealth, we made our way up to Eglinton Avenue, west of Yonge, on the north side, to the House of Chan, purported hangout of the Starr gang; to wit, the Patti Starr gang. We expected, opening the doors of this very reputable steak and Chinese food joint, to walk in, and we thought it was going to look like Leon's, you know, the Price warehouse with rows and rows of fridges, along with the vault where all the misappropriated funds were being stashed. That's what "fridges" triggers for me, the fridges that were being doled out by virtue of the Patti Starr largesse, she of the House of Chan—not a bad steakhouse, in the total scheme of things.

I just find it incredible that a Liberal would want to talk about fridges being given away, when those fridges and the free paint jobs—indeed, I watched cabinet minister after cabinet minister being hung out to dry, flapping in the wind, as the Patti Starr scandal and its stench regrettably took down, among other things, that government.

But I want to tell you this: I've been proud to stand with Howard Hampton. I've been proud to join him on the public power bus. I've been proud to access his Web site, [www.publicpower.ca](http://www.publicpower.ca), because it's the New Democrats who are advocating and fighting for public power, hydro at cost, publicly owned, publicly controlled, regulated.

**The Deputy Speaker:** The member for St Paul's has two minutes to respond.

**Mr Bryant:** I don't know if many people watching that would understand what was just said. The New Democrats are very sensitive on this issue. The truth is that the New Democrats in 1997 were very much in support of the competition marketplace. It was great to listen to the member for Toronto-Danforth say that, despite the fact that Mr Laughren, the NDP representative on the select committee on energy, in 1997 was their representative under the current leader, Mr Hampton, and he said, "I don't have a big problem with bringing competition into the system." I think what the member for Toronto-Danforth seems to be saying is, "He wasn't speaking for the NDP."

Then you might think that in the NDP's final, concluding report they might have disavowed themselves from their representative, but they didn't. There was not a word of that. Obviously Mr Laughren was speaking on behalf of the New Democrats—that's how it works on these committees—as Mr Conway did for the Liberals. What the New Democrats said in their final report was,

"We support changes to the way Ontario's electricity market is structured."

*Interjection.*

**Mr Bryant:** No, that's Mr Hampton and the New Democrats.

The reality is that the New Democrats know that there has to be a mix of rebates and price shock absorbers and there have to be independent power producers and public power producers. We are all now going to try and figure out, after the Tories shipwrecked our electricity system, how to move forward in that direction. But let's not pretend that there are any magic bullets out there on this issue.

**The Deputy Speaker:** Now we're going in rotation for debate.

**Mr Hampton:** I am very pleased to take part in this debate. It's always interesting to see how the Liberals could take a debate about hydro electricity and turn it into a revealing history of free fridges in the Liberal government of 1987 to 1990. I will avoid any fascination with free fridges. Instead, I want to focus on how important a dependable, reliable supply of hydro electricity is to Ontario's residents and Ontario's industries and, equally, how important it is to have hydro electricity that is affordable and predictable in terms of the pricing.

There is some history to this whole issue, and I welcome anyone at home—if you've got a public library in your community, chances are they will have a Hansard of the Ontario Legislature. You can go to your public library; you can probably access it either electronically or in print. I welcome you going to the Hansard, either electronically or in print, because there is a very interesting history here.

The Liberals now, as we heard from the last speaker, are desperately searching around for something to hang on to in this debate. I want to point out why Liberals are so desperately looking around for something to hang on to.

We know the Conservative position. The Conservative position—and I think they started enunciating their position in about 1996. Before that they talked about how they wanted to make some changes to the electricity system, but in 1996 they started talking about the prospects of privatization and the prospects of competition, and yes, there was in fact a committee of the Legislature to study the issue.

The Conservatives put forward their position; they wanted privatization. They wanted competition. The Liberals got on board, totally; they wanted privatization, deregulation, competition. The New Democrats said, "Yes, we see some need for changes in terms of the hydro system in Ontario," but we felt strongly enough that we actually issued a dissenting report. The Liberals and Conservatives agreed on a report; the New Democrats issued a dissenting report. We said that there are some real problems here—problems for the environment and problems for consumers. Did the Liberals dissent from the Conservative fascination with privatization,



deregulation? Not at all. The Liberals were right there, right along with them.

In fact, I researched my files. It's interesting when you keep files, because you can go back to those files and you can read them into the record. This is a file from February 5, 2001. It's Radio 640 AM in Toronto, and the host is Larry Silver, and he is interviewing the leader of the Liberal Party, Mr McGuinty. He asks him some questions about hydro privatization.

He starts out by saying, "I'd like to talk to you"—Mr McGuinty—"about hydro deregulation. Howard Hampton, from the New Democrats, has raised a flag, and I'd like the Liberal viewpoint on that topic...."

He continues. Mr Silver says, "The Harris government has plans to deregulate the hydro industry later this year, you know, open it up to the private sector, have other people supply you your hydro. Now NDP leader Howard Hampton, he is warning that homeowners, businesses, everybody will get stung by this, that they're going to face higher hydro bills if the province does proceed with the deregulation of the electricity sector." This is back on February 5, 2001. This is some time ago; we're almost talking two years ago. "Dalton McGuinty, what's the Liberal stand on this idea?"

Very clear question: "Dalton McGuinty, what's the Liberal stand on this idea?" Mr McGuinty responds, and I want to quote: "Well, first of all, I don't bring any kind of ideological bent when it comes to deregulation." I think this is what the Liberals mean when they also say that they have open minds when it comes to privatization of health care too. It doesn't come with any ideological bent. He says, "The fact of the matter is, Larry, that some deregulations are good and some are bad. From the Ontario family perspective, when I'm knocking on doors here at election time or at any time between elections, and you talk to people, when they think about hydro, there are only three things that they want to focus on. They want to know, 'What's going to happen to my rates?' They want to know, 'Is it going to be reliable? I want to make damn sure when I flick the switch the lights come on. That's very important to me in business and at home.' And the third thing they always want to know about is, 'Is there going to be safe generation of electricity here? Is it going to be safe for me and my kids?'"

1720

He launches into an attack on Ontario Hydro—it's funny, it's the same attack the Conservatives launch into: "Now, we had a problem with Ontario Hydro. We had a runaway locomotive on our hands. Costs were skyrocketing out of control. They were into all kinds of things that they shouldn't have been into, and the problem was they didn't face any competition." This is the Liberal leader speaking. "So we believe that there should be deregulation in Ontario Hydro and introduce competition and help bring this beast to heel. What we've got to make sure is going to happen, though, Larry, is to make sure that we've got some real competition in place, and so far what the government has done from our perspective is they haven't taken the steps necessary to make

sure before they completely deregulate that there are enough stronger competitors...."

I can only conclude that Mr McGuinty wanted privatization to proceed faster and further.

Mr Silver, the host, then asks another question. Basically, he asks Mr McGuinty, "And you know what I'm concerned about is, and I bring it back to the Highway 407 issue, is that they said, 'OK, no, we've got it in place. The Quebec company can run the 407.' Do you approve of that?"

McGuinty: "Well, that's just it. When they were proceeding with their bill, which is going to bring about this deregulation, we specifically asked that the government include a clause in the new law that guaranteed that rates would come down as a result of deregulation. I mean, that's the whole idea behind this thing is to bring in competition and to bring rates down."

McGuinty finally ends with, "I mean, who's ultimately going to be responsible, and that's a question that the government has failed to properly answer yet, so again, we believe you've got to go towards deregulation.... That's the way to introduce real competition."

When you read that, it sounds to me like the Liberal position was pretty clear: privatization. And you needed, according to Liberals, to sell it all off and sell it quickly—complete deregulation—and then competition would do the rest.

New Democrats have never bought into that. New Democrats have said from the beginning that if the government wanted to go down this road, there had to be real measures in place to protect consumers and to protect the environment. We didn't buy into this process. We submitted a dissenting report to the one which the Conservatives and Liberals bought into. That continues to be our position today.

Even after February 1, 2001, New Democrats continued to point out that if you looked around, deregulation and privatization of electricity was not working out very well anywhere.

It wasn't working out in California, where prices didn't go up by 10 times, by 20 times, even 30 times; they went up by 50 times. Just to get a sense of the magnitude of what happened in California: in 1998, before California started putting in place the deregulation measures, the all-in cost of hydro electricity, of power, in California, was \$8 billion. That's for industry, for consumers, for institutions like hospitals, colleges, etc. Two years later, after deregulation had been implemented and was now operating on an almost full-blown basis, the all-in cost of hydroelectricity in California went up to \$29 billion a year—from \$8 billion to \$29 billion.

If people read from time to time that corporations are being brought before judges and juries or being brought before commissions of inquiry, the reason for that is, consumers and industry in California are trying to figure out who made off with the \$21 billion; who stole \$21 billion out of the pockets of California consumers by means of deregulating the hydro electricity system. That's what Californians want to find the answer to.

I could perhaps give them some information about where the money went to. The Enron executives, before the house of cards started to collapse, shipped several suitcases to the Cayman Islands. I bet if someone were to open those suitcases, they would find an awful lot of money. Some of that money, I suspect, even found its way into George Bush's election campaign, since Enron was the major financial contributor to Mr Bush's election campaign. They even allowed Mr Bush to use the corporate jet to fly around the country. But it wasn't just Enron. There were several other private hydro generators in California who, it now is very clear, did exactly as Enron did. Once the market was deregulated, they manipulated the supply of hydroelectricity. They shut down generating stations. They created an artificial electricity shortage, and then when that electricity shortage happened and people needed electricity, they just jacked up the price. They jacked it up and jacked it up until California consumers were gouged out of \$21 billion of unjustifiable charges in one year. That was the evidence before this Legislature.

I brought those issues into this Legislature day in, day out. I questioned former Minister of Energy Mr Wilson. I questioned former Minister of Energy Mr Stockwell. We all questioned them. We said, "Are you paying attention to what happened in California?" "In view of what happened in California, don't you think you should watch carefully what's happening here?"

Sorry, Speaker.

**Interjection:** Howdy, Jonathan.

**Interjection:** Hi, Jonathan.

**Mr Hampton:** It's not every day that a four-and-a-half-year-old boy gets to come to watch his father speak. I'm sure he'd rather watch me play hockey, but this will have to do today.

So this was not stuff out of the blue. We asked these questions in the Legislature.

Then there was the fiasco in Alberta. Before deregulation and privatization, Albertans had some of the most affordable electricity rates in North America. Why? It's pretty easy to understand why. You've got those huge natural gas fields. You can take the natural gas right out of the ground, you can run it into a generating station and you can generate electricity right there. In fact, if you go to Medicine Hat, and I invite all members of the Conservative caucus—it's safe territory for you; the MLA from Medicine Hat is a Conservative. I've been there. In Medicine Hat, Alberta, the natural gas fields are right there. They take the gas out of the ground, they run it into a generating station and they generate electricity right there. It is some of the least expensive electricity in all of North America. That's what Alberta had.

Then the Klein government proceeds along the same path that this government has been on and they try to force municipalities to sell off their electricity system and they engage in deregulation. What happened? Hydro prices, hydro bills, shot through the roof again. In fact, Alberta consumers became so angry that Premier Klein in Alberta, a Conservative Premier, brought in—now, get

this—first of all, rebate cheques. Just before the Alberta election, he started mailing out rebate cheques to electricity consumers in Alberta. He proclaimed a rate cap. In fact, the estimate is that Alberta spent over \$2.3 billion of taxpayers' money to hide the cost of deregulated, privatized hydroelectricity from Alberta consumers. Then they called an election.

My colleagues in Alberta, New Democrat colleagues, said to the people of Alberta, "Look, as soon as the election is over, the price caps will come off; the rebate will disappear." In Alberta, they always vote Conservative, so they voted Conservative again. But what happened? Almost within six months after the election—the official election results weren't even in yet in terms of all the tabulations and being printed—what happened? Off came the price caps. Off went the hydro bill rebate. What happened to people's hydro bills? They went through the roof again.

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That's not the end of the story. In fact, if you read these radical newspapers, like the Red Deer Advocate from the home of Stockwell Day—some of the Conservative members might know Stockwell; they might know him personally—it regularly writes editorials complaining about the manipulation of the Alberta electricity market by private generating companies. It regularly complains about the price gouging, the price fixing that's going on.

In fact, what you're seeing in Alberta now is some companies that have no interest in electricity, other than that they need electricity for their business, having to go out and build their own generating capacity. Why? Because they can't depend on the privatized, deregulated market in Alberta to deliver predictable, reliable supplies of electricity at affordable and predictable prices. It's unbelievable. That's what happened in Alberta.

It doesn't end there. Do you know that a mere three weeks ago in the state elections in the United States the people of Montana voted overwhelmingly to terminate deregulation of electricity in that state? Why? Because after deregulation of the system, the price of hydroelectricity in that state went up four times. After people experienced that, they said, "We're not having anything to do with it. We're having nothing to do with it." They voted to terminate deregulation and have a regulated electricity price again.

In Nevada, where they gamble on just about everything, people there have voted in a referendum to abandon, to cancel, to terminate hydroelectricity deregulation there as well. Why? Again, deregulation resulted in very high prices, huge price spikes and resulted in an unreliable, unpredictable supply of electricity.

When will this government learn? Have they learned yet? Well, this bill suggests to us they haven't learned a thing. The Electricity Pricing, Conservation and Supply Act reads like a carbon copy of Ralph Klein's playbook in Alberta. The government has to call an election probably within a few months. They know that people are angry about hydro prices that have gone through the roof.



What do they do? They bring in rebates and a price cap just before the election. They say that this rebate and price cap is going to continue on far into the future. I'll make another prediction here today: these rebates and this price cap will last for about two months after the next election. Then, as in Alberta, they will be terminated.

What is this legislation all about? I'm sure you've heard of Rent-a-Car, Rent-a-Maid or Rent-a-Wreck? This is called Rent-a-Vote. Bring in a rebate just before the election, provide some price caps just before the election, and rent a vote.

**Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation):** Rent-a-Boat?

**Ms Churley:** Vote: V-O-T-E.

**Mr Dunlop:** Is that like your bus? You mean boats, not votes.

**Mr Hampton:** That's exactly what it's about.

**Mr Kormos:** A boat's a different issue. That's the Hydro One boat.

**Ms Churley:** Yes, a sailboat.

**Mr Hampton:** If they want to talk about boats, I'd be happy to talk about the Hydro One yacht, because that's the other part of this. You see, they said both to Hydro One and to Ontario Power Generation, "You're going to be privatized, so start acting like those big, mean dogs on Bay Street. Move your salaries up from that measly \$500,000 a year you're getting paid now as the president of Hydro One. Yes, \$2.5 million." So they did. The government said, "We recognize that you want to have a better car. Go out and buy the most expensive Mercedes you can and it'll be paid for through people's hydro rates. And oh, by the way, when you get tired of driving the Mercedes around, just take a limousine." So the president ran up limousine expenses. I think it was \$183,000 in a year. The former president at Hydro One had this fascination with sailing, so they got a yacht. She didn't pay for it privately; it was paid for out of the people's money. That's what goes on here. That's why privatization is so wrong. That's why deregulation is so wrong.

This is an essential public service. People need it every day. People shouldn't be paying for yachts and Mercedes and \$6-million retirement allowances and \$2.5-million salaries on their hydro bill. But that was this government's strategy. That was fine by this government—until they got caught and it became public. Then, "Oh, we've got to cover that up." That's what this bill is. This bill is nothing other than an attempt to hide from the people of Ontario the true cost of privatized, deregulated hydro.

Why does privatized, deregulated hydro cost so much? This is something people want to know. I suggest they go to their hydro bill, because now you'll find eight, maybe nine charges on the hydro bill. Why? Those charges are simply an indication of all the profit-takers, the fee-takers and the commission-takers that are now on your hydro bill, thanks to the Conservative government, with Liberal help.

In a not-for-profit hydroelectricity system, whatever it costs to generate, transmit and distribute electricity is

what people pay. Under the system the Conservative government created, the generating company not only wants their costs, but if they can soak you for a 40% profit or a 50% profit, or in the case of Enron and others if they can jack up the price 20 times, they'll do it. The transmission company: they want their 10% or 15% profit. The distribution company wants their 10% or 15% profit. And I shouldn't forget the president of OPG or the president of Hydro One, because they want their \$2 million or \$3 million or \$4 million. Then the folks on Bay Street who move the money around in the background wanted a \$200-million or \$300-million commission. Then the real parasites, the electricity retailers, the Direct Energys, if you read the contracts they fleeced people into signing, they wanted a 40% markup too.

When you've got all these profit-takers, fee-takers and commission-takers on the hydro bill, it is no wonder someone's bill goes from \$100 a month for hydro to \$200 a month or more. No wonder. The corporate friends of this government are all lined up on people's hydro bills, trying to get into their pockets. That's what was going on.

I want to say a word about Direct Energy. They are a really interesting outfit. Just over the last month, I've had about four or five constituents come into my constituency office and they will hold up a contract. In this case they were natural gas contracts. They will hold up a contract they signed with Direct Energy in, say, 1999 or 2000, and in the contract, Direct Energy promised to provide them with natural gas at, say, 11 cents a cubic metre. When you read the contract, it's very clear: 11 cents a cubic metre. You can see the person's signature.

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Then they show you a bill they received the first month or two months after signing this and, yes, it's for 11 cents a cubic metre. Then they show you a bill six months later and suddenly the price shoots up to 35 cents a cubic metre. They'll show you a letter they wrote to Direct Energy saying, "Why are you charging me 35 cents a cubic metre when you said you'd deliver it at 11 cents?" There's no response. Then they show you another letter, and no response, and they show you another letter, and no response. So I took their contracts and I took their letters and I wrote to the energy board and said, "What's going on here?"

What we got back was that the energy board said very clearly, "Direct Energy has done something quite illegal here." They've ordered Direct Energy to reduce the price to that which was agreed on in the contract and they've ordered Direct Energy to rebate these people for the overcharges. What's interesting is that despite the consumer writing to Direct Energy, despite the consumer phoning Direct Energy, despite the fact that the consumer time and time again asked Direct Energy to look at the contract and provide gas according to the contract, Direct Energy ignored them. Direct Energy deliberately and intentionally engaged in a strategy of price gouging of those consumers.

That's exactly what this government has invited into the hydroelectricity system. The shock of people. I remember when I confronted Premier Eves with the high hydro bills, he said, "Well, people should sign up with an electricity retailer." Then I brought a Direct Energy bill in, and again it had doubled. Why? Because, when you read the fine print of the Direct Energy situation, they were bumping this person's price up by 50%. They were going to charge him 50% more than he'd ever paid before, but they were going to tell him it was a good deal. That's why people's hydro bills have gone through the roof.

What is the government going to try to do here? Temporarily, they will try to hide this from the consumers of Ontario, from the public of Ontario, until after the next election. Now what is this going to cost, because it is going to cost something, and how is it going to be paid for? Here is the great irony. I remember all the former Ministers of Energy, this Premier, the former Premier, saying that the reason the government had to privatize Ontario Hydro was that there was a debt. That's what they said. They had they privatize because there was a debt. How is this government now going to hide the true cost of privatized, deregulated electricity from people? They're simply going to drive up the debt. When you read the legislation, that's what it says. They're going to drive up the debt. They're going to hide the true cost of very highly priced, privatized, deregulated electricity by simply putting it on the debt.

What's the other way they're going to do it? The other way is to do something this government has done a lot of, which is download on to the municipalities. They have already engaged in a course of action where they blame the municipalities. They blame the municipal utilities: Toronto Hydro, Mississauga Hydro, Hamilton Hydro, London Hydro, Thunder Bay Hydro, Greater Sudbury Hydro, Ottawa Hydro. They blame the municipal hydro utilities. In fact, what they're going to do is push a lot of the costs of this cover-up down on to the municipal hydro utilities.

We've got a number of municipal hydro utilities that are already on the brink of bankruptcy, that are already in difficult financial situations, thanks to this government. What will happen to those municipal utilities? By the way, those municipal hydro utilities delivered the hydro to people's homes for over 80 years in a reliable and predictable fashion and at an affordable price. Now they are being pushed to brink of bankruptcy by this government. What can they do?

The one thing that municipalities will be forced to do is to sell off their municipal hydro utility. I say to people out there, bad deal; don't do it. If you do that, you expose yourself even more to the rip-offs that you saw happen in California, that you saw happen in Alberta and that you saw earlier here in Ontario, over the summer. You're even more exposed.

The other option for municipalities is to increase property taxes to pay for the costs that are being pushed on to the municipal hydro utility for this government. What

does it amount to? Not only is the \$75 rebate cheque in effect a pre-election, rent-a-vote scheme, but it's one that people will pay for through their property taxes. So you get a \$75 rebate cheque and then you get a \$100 increase in your property taxes. You lose. But add on to that that after the election your hydro bill goes back up again.

That's what is about to happen here. That's why New Democrats oppose this legislation. I know Liberals are in favour of it and Conservatives are in favour of it. I'm not surprised at that. Liberals and Conservatives have been together on this from the beginning and they're together on it now. New Democrats are calling it what it is: nothing but a scheme, a scam to cover the cost of privatized, deregulated hydro until after the election. It is nothing but a scheme, a scam to rent people's votes until after the election.

There are some other aspects of this, some really terrible aspects. I had an opportunity the other day to talk with Tom Adams, the executive director of Energy Probe. Mr Adams and I have our very clear differences. Mr Adams has been a friend of the Conservative government and a friend of the Liberals in that he advised them both on hydro deregulation and privatization. In fact, I think he served on the market design committee. He is still an almost religious proponent of hydro deregulation and privatization. But do you know what he said to me the other day? He said, because of what this government has done, because of the fact that they have gone down this road of hydro deregulation and privatization without ensuring there is adequate supply, that we could very well see blackouts in Ontario this winter. Keep this in mind.

We built a public power system in this province after 1910 and into the 1920s. Since that time, I think there have been only one or two situations over an 80-year history where there was a power blackout or brownout. But he said, "Thanks to this government, and thanks to the Liberals for helping them, Ontario realistically faces the prospect of a blackout this winter, people not having enough hydro."

Imagine for a minute: we know that the temperature in this province in winter can go down to 30 below, 20 below—10 below is cold enough. Imagine people who depend upon electric heat not having electricity under those conditions. Imagine people who have to rely upon medical equipment that is powered by electricity when it's 30 below and the power goes out. Imagine the risk that people in Ontario are now forced to undergo because this government refused to heed the warnings of California and Alberta, because Liberals refused to recognize what was happening in California and Alberta as a result of hydro deregulation and privatization. That is, regrettably, a real risk this winter for people across this province.

On a very cold day we could see significant parts of the province not have electricity. It's not just electric heat that this affects. If you've got some other kind of furnace and you do not have electricity, then the furnace doesn't come on either. If you've got an oil furnace and the



electricity doesn't work to ignite the system, the heat doesn't come on; natural gas, the heat doesn't come on. This puts literally millions of people across Ontario at great risk this very winter.

I say to people that this will not happen by accident. This will happen because a government was so arrogant that it thought it could ignore the experience of California, it thought it could ignore the experience of Alberta and other jurisdictions. This will happen despite the warnings. It will happen because the government ignored the warnings.

I want to speak a bit about the future here. One of the other aspects of this is that the government says that they're going to provide some incentives for new hydro generation. I've been out there and I've talked to a number of the private companies. I've talked to Brascan. I knew Brascan's corporate strategy when they bought four hydro dams from Ontario Power Generation a year ago. By the way, they got a great deal. Our estimate is that the government sold off those hydro dams for about half of what they were worth. If you compare the generating capacity of those hydro dams with other hydro dams that were privatized in the United States during the same period, this government sold them at about half price.

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Brascan used them to make a ton of money this summer when the price of privatized, deregulated electricity shot up to \$1,000 a megawatt hour. I talked to Brascan. Brascan was clear about what they're going to do. They're going to apply to put an electricity transmission cable under the St Mary's River so that they can transmit electricity into Michigan. They're interested in accessing the Milwaukee-Chicago market where prices are 40% higher than they have been in Ontario, and they estimate that through the difference in price, the much higher American price plus the exchange rate, they can make a substantial amount of money.

They also said at the same time that as soon as they access that American market in a deregulated, privatized environment, as soon as they access that much higher price, then that is the price that they will want from their consumers in Sault Ste Marie, in Wawa, in Blind River, in Garden River and elsewhere along the north shore of Lake Huron.

There's nothing in this strategy to protect consumers. It's not about lower rates. In fact Brascan is very clear. They said, "If the government wants us to build new generating stations, new hydro generating capacity in Ontario, the price will have to go even higher in Ontario." That's what they said.

We've called up Sithe Energies. Sithe was proposing to build two natural gas generating stations, about 500 megawatts each. The government was even boasting about them before they were built. I can remember some of the members standing up saying, "Great news about hydro deregulation and privatization: a new generating station is going to be built in Mississauga by Sithe Energies." I think even a couple of the Liberals joined in

on that announcement. And what happened? The prices didn't go high enough. If the prices had gone higher, then they'd be interested in building.

The price didn't go high enough. It seems to me that what the government is also trying to hide from people is that if the key to new hydroelectric supply is private generation, profit-driven generation, the price will have to go even higher still.

I have to hand it to Mr McGuinty. I'm not sure which Mr McGuinty this was, because there have been several nuances and changes of position. Oh, this was the Mr McGuinty of December 13, 2001. About a year ago he said—this is a quote in the *Globe and Mail*—"Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the debt that Ontario Hydro has amassed." This is the same Dalton McGuinty that now says he agrees with the rate cap. He's in favour of the rate cap. Just throw it on the debt and pay for it through the debt.

That's the truth about privatized, deregulated electricity. If you want private, profit-driven companies to come to Ontario to generate electricity, the price will have to go even higher still.

I also want to talk a bit about energy conservation. The government made some, at best, embarrassing announcements over the last couple of weeks. In fact Hydrozilla went to one of the announcements. Hydrozilla, frankly, I think stole the show on the government. Hydrozilla is this left-leaning lizard who goes around eating wallets because that's what privatized, deregulated electricity does: it eats your wallet. It takes your money. And then when it has taken your money it comes back for more.

The government made what were clearly embarrassing announcements. The Minister of Energy drove up in a car powered by bacon fat. What that has to do with hydro-electricity and what it has to do with energy conservation, I don't know. As I said before, perhaps that is an illustration of this government's fascination with pork-barrelling. This is a government that believes that you send out a rebate before the election and then you just roll in the votes: rent-a-vote, as I say.

What was so embarrassing about this government's announcement is that it doesn't amount to a hill of beans. Ontario does need a conservation strategy. There was a conservation strategy in place in 1995. It was called the Green Communities strategy. This government got rid of it. Do you know why? Because the profit-driven private hydro companies didn't want it. They didn't want it. Why don't they want it? Because they want to sell as much electricity as possible at the highest possible price. That's how you jack up your profits. If you're an Enron, a Brascan or a British Energy—although British Energy's turning out to be quite an embarrassment for this government too since they're now bankrupt.

*Interjection.*

**Mr Hampton:** Oh, yes. Read the news reports today, John.

Profit-driven private hydro companies don't want conservation strategies. That's why this government got rid of the Green Communities strategy in 1995. But this province desperately needs one. We need to put in place at least a \$300-million-a-year strategy where we can work with municipalities, boards of education and community groups to retrofit hospitals, schools or community centres, to retrofit apartment buildings to reduce the electricity that is consumed, to reduce the natural gas that is consumed, so that when their hydro bill goes down and their natural gas bill goes down, people can then repay the loan from the fund which allowed them to do the retrofit in the first place.

Then, you take that money and you roll it into the next community, the next apartment building or the next group of private homes. Over the course of a couple of years, we can substantially reduce the electricity and the natural gas that we consume in this province.

**Ms Churley:** And meet our Kyoto targets too.

**Mr Hampton:** And meet our Kyoto targets at the same time. But does the government have a strategy for that? No. No strategy at all.

What did they announce? I will say that taking off the provincial sales tax on the sale of freezers, refrigerators

and other electrical appliances is not a bad move, except for most lower- and modest-income families, that \$20 or \$30 is not enough to help them purchase.

Now, if you're dealing with the Liberals and Patti Starr and they're giving away free fridges, it might work, but not everyone can get on that form of payola. Not everyone is that connected to the Liberal insiders.

**Mr Kormos:** Or that star-struck.

**Mr Hampton:** Or that star-struck, for that matter. But I just say to you, your offer to reduce the PST is not going to help the majority of modest- and low-income families across this province, because it's not enough of a price reduction to allow them to buy the fridge, the stove, the freezer or any other electrical appliance. As a public relations gesture, it's not bad, except Hydrozilla took over the press conference, but as an effective conservation strategy it's nothing, nada. It doesn't do a thing.

Speaker, I note that it is 6 of the clock. I move adjournment for now.

**The Acting Speaker (Ms Marilyn Mushinski):** It now being 6 of the clock, this House is adjourned until a quarter to 7.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*



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Third Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Troisième session, 37<sup>e</sup> législature

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(Hansard)**

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**Thursday 28 November 2002**

**Jeudi 28 novembre 2002**



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 28 November 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 28 novembre 2002

The House met at 1845.

## ORDERS OF THE DAY

### JUSTICE STATUTE LAW AMENDMENT ACT, 2002

#### LOI DE 2002 MODIFIANT DES LOIS DANS LE DOMAINE DE LA JUSTICE

Mr Flaherty, on behalf of Mr Young, moved second reading of the following bill:

Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.

**The Acting Speaker (Ms Marilyn Mushinski):** Mr Flaherty has moved second reading of Bill 213—

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Dispense.

**The Acting Speaker:** Dispense?

**Mr Peter Kormos (Niagara Centre):** No.

**The Acting Speaker:** —An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act, the Honourable Mr Young.

1850

**Hon Mr Stockwell:** On a point of order, Madam Speaker: I believe I have consent to move this motion.

May I ask for consent to let the debate proceed as follows: that one hour be divided equally among the

parties, beginning with the government caucus, and that the remaining unused time for each party's one-hour leadoff speeches be reserved to the next time this bill is called; for the purpose of standing order 46, tonight's debate be considered a sessional day and that at the end of tonight's debate the motion for the adjournment of the debate shall be deemed to have been made and the Speaker shall adjourn the House.

**The Acting Speaker:** Is there unanimous consent? Agreed.

**Mr John O'Toole (Durham):** After the complex rulings and legal decisions prior to my speaking tonight, I just want, for the viewers tonight, to reassure them that this Bill 213—I always like to go to the basics—is 32 pages in length. Of course half of it is in French, so it's really quite a small bill in terms of content, but it is significant in the three sections which were in the notice that Minister Flaherty explained in the introduction.

It is schedule A, amendments to the Solicitors Act, which is the section dealing with the permission of contingency fees.

I'm going to read the preamble here:

"The Schedule amends the Solicitors Act to regulate contingency fee agreements. Contingency fee agreements may not be considered to reduce an award of costs and a client may collect full payment for an award of costs, even if it exceeds the amount payable under an agreement, if the award is to be used to pay the client's solicitor and the solicitor and client have entered into a contingency fee agreement."

This is clearly an agreement where, in my view, this is considered an access-to-justice issue. There are prohibitions, of course, of contingency fees in two areas: criminal and quasi-criminal issues with respect to family matters. Those are two areas in which you can't enter into an agreement with your solicitor or your lawyer to split any award or ruling with the lawyer. In the case of people who have civil matters that they feel need to be well represented, many lawyers in many cases would be happy to find these agreements.

My realization is that Ontario is the last jurisdiction in Canada and indeed North America—and a recent court ruling has indicated that in fact it is a process that Ontario should adopt. So I will speak to some extent, in the limited time I have, more on that, but I do want to mention the two other sections. Schedule B, which is the Limitations Act—I'll read a few clauses here for the viewer:

"A basic limitation period of two years is established" in section 4, "running from the day a claim is discovered"



which is in section 5 of the Limitations Act. "A claim is discovered when the person with the claim is, or ought to be, aware of" the "material facts." That is, they are aware that there is some violation. "This basic limitation period replaces the general limitation periods found in the existing Limitations Act and most of the numerous special limitation periods found in individual statutes." The importance here is harmonizing with some predictability or confidence the limitations period in a variety of statutes.

Now there are some important exemptions, Madam Speaker. It's a pleasure to see you in the chair this evening as well. I think we should take time and recognize Madam Speaker.

I think for the viewer this evening it's important to say the act lists a variety of proceedings in respect of which there is no limitation period.

They are listed in section 16: "proceedings for declarations; proceedings to enforce court orders and other orders that are enforceable in the same way as court orders; proceedings under the Family Law Act"—in fact is what's mentioned here—"relating to support; proceedings to enforce arbitration awards; proceedings by persons in possession of collateral to redeem or realize on it; proceedings arising from sexual assault in certain circumstances; proceedings to recover fines, taxes and penalties owed to the crown."

There is also no limitation period with respect to undiscovered environmental claims, which is very important. So there is a schedule here that lists exclusions from this imposed limitations period.

The third section, which I think has been long sought after, is a sense of fairness. The issue here is schedule C, amendments to the Public Accountancy Act. For the viewer this evening who may not be familiar, there are a number of people who practise accounting, and public accounting is technically the issue here. It's been something that all levels of government, provincially etc.—some provinces have dealt with this issue; Ontario hasn't. It's really recognizing professional accountants who are able to do public accountancy functions.

I'll read for the record here: "Currently the Public Accountants Council for the Province of Ontario consists of 15 members, 12 of whom are appointed by the council of the Institute of Chartered Accountants of Ontario and three of whom are elected by licensed public accountants." This is replaced by a provision under which the composition of the Public Accountant Council is established by regulation made by the Lieutenant Governor in Council.

"The Lieutenant Governor in Council may prescribe, by regulation, additional functions for the Public Accountants Council.

"The qualifications for being licensed currently include membership in the Institute of Chartered Accountants of Ontario." That's really been the nub of this whole issue, sort of a monopoly position. It isn't an issue about lowering standards; in fact it's allowing access. There will be those—and I see Mr Kwinter here this evening—

who disagree. I don't know their position, nor would I presume to know what the Liberals stand for.

"This is replaced by a reference to membership in any one of three organizations"—Madam Speaker, with your indulgence, this is important—"the Certified General Accountants Association of Ontario, the Institute of Chartered Accountants of Ontario and the Society of Management Accountants of Ontario." These again must go through rigorous training and also examinations to be licensed to practice as public accountants. So there's more to this bill as well.

"The schedule adds to the grounds on which a public accountant's licence may be revoked after an inquiry held by the Public Accountants Council. The licence may be revoked if the inquiry finds that the licence holder meets prescribed conditions. These conditions are to be prescribed by the Lieutenant Governor in Council after consultation with the Public Accountants Council."

In this era when public confidence in the financial community is extremely important, I believe that bringing openness, clarity and transparency is extremely important to the public and in many respects could be considered a consumer protection issue.

I know that we as members of the Red Tape Commission have met. There have been judges involved or retired judges retained to try and find agreement between the existing council and the proposed reform of governance, and I believe this is a very good first step to raise the standard in public accountancy.

I think that in my own particular experience the contingency fee is an area where I want to spend a bit of time in the very limited time that's allowed. Again, there can be arguments on both sides of the issue, as in all cases, but contingency fees to me really mean access to justice. In these matters where persons may, for a lot of reasons, not have the resources, they can engage a contract with a lawyer who will professionally represent their issues and bring them to the attention of the courts and receive proper hearing. It is my understanding that regulations will determine the sharing or some formula for sharing any award. Failure to win the case would mean that the lawyer arguably would be working for nothing.

I guess in the agreement and depending on how generous these awards are and the risk situation with respect to something going before the courts—that is why at the moment there is no regulation specifying the amounts within that agreement that are allowable. But it's my understanding as well that there would be some mechanism to appeal the contingency fee schedule.

1900

I think it is important in today's very complex, rather litigious world that Ontario catch up with other jurisdictions and address the access to justice issue. Simply put, the cost of using the legal system should not be a barrier to justice, as I see it as I look into the issue. The proposed legislation would regulate the way in which individuals enter into contingency agreements with their lawyers. Contingency agreements tie legal fees to the outcome of the case, as I said before. Under such agree-

ments, if the client wins a case, the client pays a pre-arranged fee. If the client does not win the case, the client does not pay the fee. In these ways, individuals may be given the option of negotiating a different financial agreement with their lawyer so that the unpredictable legal fees and upfront costs do not serve as barriers to justice.

Middle- and low-income Ontarians should not have to sacrifice their families' future to exercise their legal rights. This legislation is designed to ensure that this does not happen. By modernizing the way legal fees are regulated and ensuring strong public protection, Ontario would benefit from a new tool, contingency fee agreements, to help them deal with the escalating costs of hiring lawyers. Escalating costs is another issue. Legal aid, as we have dealt with, and the public defender, which was in a previous bill—I believe our Attorney General, David Young, has done an admirable job of trying to improve in the overall aspect of access to justice, as well as providing legal aid certificates in those cases where deemed appropriate.

By their very nature, complex cases are often lengthy and costly in civil matters, prepared so that the cost of complex cases may be prohibitive, as I've said, for many Ontarians. Yet this type of case can be among the most important. Not only is the individual or organization involved, but the evolutionary process by which common law adjusts to the ever-changing realities of society—that is, there is just more litigation today.

This further highlights the importance of affordability. In the market, if there are plenty of lawyers willing, eventually the client will find a lawyer that they deem to be competent and comfortable, and the rates themselves, these contingency fee rates, would be determined in that kind of context. There's no reason why they couldn't talk to one or two lawyers to determine that. Allowing contingency fee arrangements will help to ensure that such decisions are less the product of pocketbook considerations and are based to a greater extent on the principles of justice itself.

In speaking on the importance of contingency fees as a means of enhancing access to the justice system, Supreme Court Justice Cory stated a few years ago—it's very important for those viewing to know what has motivated this deep consideration by our Attorney General. Justice Cory said the following:

"The concept of contingency fees is to make court proceedings available to people who could not otherwise afford to have their legal rights determined. This is indeed a commendable goal that should be encouraged. Legal rights are illusory, and no more than a source of frustration if they cannot be recognized and indeed enforced."

This is with respect to a case called *Coronation Insurance v. Florence* in 1994. It's important to quote Justice Cory in 1994.

I wouldn't in any way try to make this a political thing. It has occurred in the Attorney General's file over a number of years. Again, I commend our current Attor-

ney General and predecessors for the work they've done on this important issue of access to justice. Actions, really, at the end of the day, are the real testament to this commitment to the people of Ontario. I cannot underline that strongly enough.

There are a couple of other sections under the Solicitors Act, but the limitations period is, I believe, an administrative issue in the general sense. Of course, as in all cases, there will be those who say it's not long enough, but if you look at section 16, as I mentioned before, in the preamble to the bill, there are clear determinations in certain types: persons dealing with environmental issues, disability issues, access issue, liabilities to the crown. Those are listed in the schedule of exemptions that aren't going to be included in this two-year, overarching limitation period.

I won't spend a lot of time, because in the last few moments remaining, public accountancy is an issue that I feel each of us—income tax may be our only time, but for small business particularly and for not-for-profit organizations this is an extremely important issue: access to public accountancy. When you have a marketplace, others bidding to do the work, competent and capable of doing the work, that's what this issue is about. Any person who by prescription or legislation has achieved a non-contested position of providing that service—often it's government's role to take the bold and committed step of improving access of the citizens of Ontario to that very service.

In no case would we be lowering standards. This issue, public accounting, is the practice of preparing audited financial statements and other reports which investigators lead to and shareholders may rely on. So investors need to have clear confidence, as we have seen in the more recent uncertainty in the marketplace, in becoming an investor in part of an enterprise.

It is important here that on October 30, 2002, our government retained the dean of the University of Toronto's faculty of law, Ron Daniels, to hold consultations and advise our Attorney General and this government on how best to reform the public accounting licensing regime. I think it's important to look at the third-party resource here as a professional: the faculty of law of the University of Toronto, very highly respected. Ron Daniels has given some information to the government, and the Attorney General obviously has chosen to act.

Again, there are always two sides, or more, to every issue. What reassures me as a member of government is that you have to have the sense of what the people want and the courage to do it, because there is a line-up behind each one of those dissenting voices—and you may, in the next hour, hear some of those dissenting voices. But I can clearly feel comfortable, in standing and speaking on behalf of my constituents of Durham and indeed having worked with the Attorney General and other ministers, that this is having the courage to do the right thing.

At the time, we discussed the idea of broadening eligibility for public accounting to include members of the three major accounting bodies—chartered account-



ants, certified general accountants and certified management accountants—who meet prescribed high standards. The proposed legislation addresses this important issue. It proposes the framework for the work from Professor Daniels as he developed recommendations on a more modern, effective and transparent licensing regime based on high, internationally-recognized standards. The new competency-based licensing system would protect the public and maintain investor confidence in Ontario by ensuring that only the best-qualified are licensed to practise public accounting in the province of Ontario. I want to stress that while this legislation would broaden eligibility for public accounting licensing, CAs, CGAs and CMAs—these are the designations they have—would still have to meet prescribed high standards that we will put in place after professor Daniels's report to the government. We look forward to receiving Professor Daniels's report. I would like to once again thank the many stakeholders who took the time to participate in this very important process.

In all cases, clarity and access to Ontario's statutes and laws is what this is about. There will be those who oppose and are resistant to change, but it is to have the courage to make a difference that is really the by-line of this government. Taken together, the proposals contained in the Justice Statute Law Amendment Act modernize outdated laws and enhance access to justice while protecting the public. These are important steps that we are taking to ensure that the justice system, the Limitations Act and the Public Accountancy Act are modernized to become more accountable and more accessible to the people of Ontario.

#### 1910

I can only say that I have engaged the professionals in my community and I am going to put a couple on the record. Donna Chambers, as well as Janet Collins, who's a CGA, live in my riding. In fact, each year when the CAs, CGAs and CMAs receive their designations after fulfilling the very difficult exams, I always try to send a recognition or at least a letter to congratulate them, commend them, for the hard work, not just in undergraduate studies—many of them may even have master's degrees—but for receiving the designation and passing the very difficult high-standard tests.

I also shared these comments with our Attorney General, David Young. I would like to say that I worked very closely with Ralph Palumbo, who was involved with the CGAs and who I believe has patiently and persistently tried not to lower the standards but to set standards and have the standards accessible to all persons who want to be public accountants.

Also on public accountants, I've had a listener, Stephen Horton, who is a CGA student with a bachelor of science and a registered insurance broker. He applauds the government for taking this action.

There is e-mail and a number of other ways, but I believe it's important for the people of Ontario to feel they have access to their MPPs. As an MPP, I can assure you I have access to our ministers; in the case of Bill 213,

which we're talking about tonight, it is our Attorney General. I commend him for his effort. I'll be supporting this bill. I expect others to do the same.

**Mr Michael Bryant (St Paul's):** I also want to express thanks and gratitude to the Attorney General for, with the cameras rolling and the tapes whirling, saying on the record something that I appreciate by acknowledging the contribution, however modest, that Bill 178, a private member's bill to bring forth, legalize and regulate contingency fees, had on this process. The official opposition often must blow wind into the sails of government, and if our efforts to try to legalize and regulate contingency fees in Bill 178—which passed, by the way, unanimously in the House, I'll proudly tell everybody here—did that, that is a good thing.

I'm back to talking about contingency fees, as I was with Bill 178, my private member's bill to address that very issue. Let me say that when I first introduced my contingency fee bill in the spring, at the time, contingency fees were considered illegal, really. Contingency fees were covered under provisions of the Solicitors Act, 1990, and An Act respecting Champerty, 1897. Under those acts, the prevailing view under the common law was that those provisions in those statutes prohibited the use of contingency fees in most circumstances. In turn, the rules of professional conduct which govern the conduct of lawyers in Ontario prohibited lawyers from entering into contingency arrangements unless it was approved by statute, which it was not, as it was understood then.

The Class Proceedings Act, 1992, permitted contingency fees in relation to class proceedings, and commission or percentage agreements were permitted in relation to some non-contingency business and conveying matters under the Solicitors Act.

When I introduced the bill, it was an effort on my part to try to, among other things, legislate the recommendations of the joint commission report that had been submitted to the Attorney General of Ontario, the Honourable Mr Flaherty, who subsequently rejected those recommendations. I'll get into that in a moment.

However, the work of the joint commission report, which was an advisory committee to the Attorney General, was excellent work and involved, really, a settlement, a negotiation and a compromise between all the major stakeholders impacted. Not everybody came out particularly happy, but they came out with something that could be taken to legislation. That was not done by the government of Ontario, so I introduced a private member's bill to do just that.

Everything then changed in September, when the Ontario Court of Appeal released its decision in McIntyre. The judgment was written by the Honourable Mr Justice Dennis O'Connor, famous, of course, for heading up the Walkerton public inquiry. The other judges on the panel who concurred were Justices MacPherson and Abella. It was September 10, 2002. I'll get into the judgment in a minute, but to make a long story short, the Ontario Court of Appeal said that the law of Ontario was such that contingency fees were not illegal.

The Attorney General of Ontario at the time of the hearing took the position that they were, but to be fair, he was just arguing the common law as it then stood. The Attorney General took the position that in fact it should be the Legislature and not the courts that should be changing our laws on contingency fees. While that particular submission was rejected by the court, nonetheless the court did go on to say that it really was almost necessary for the Legislative Assembly of Ontario to enact regulations through statute of the conduct—not necessarily by regulation, but via statute—of lawyers entering into contingency fee arrangements. Therefore, I had to amend my contingency fee bill, because it was operating under a different set of assumptions. It then went before the Legislature and, as I said, passed unanimously.

Now we have a government bill which is remarkably similar, in terms of addressing the contingency fee aspects, to my private member's bill, and in that sense I have little to add in terms of constructive criticism to those provisions, because the only thing worse than a sore loser is a sore winner, as the member for York Centre constantly reminds me.

In any event, it is fair to say that there are arguments for and against the legalization and regulation of contingency fees, and I suppose we ought to address those. I have no doubt that consumers and members of various professions may have concerns about what this means. The chief concern over the years with that is that this would somehow Americanize our system and result in a lot of frivolous litigation. To paraphrase Justice O'Connor in the McIntyre case, those fears just never turned out to be in any way validated by the facts as we know them; namely, that every single province in this country has contingency fee legislation in some fashion. Manitoba has had it for over 100 years. Every other province has had it for more than 25 years. Clearly, Ontario had to join the rest of the country in regulating this activity because, as many people understand, a contingency practice was well underway and has been underway for many years. It was simply unregulated, and the potential was always there for abuse. The point of my private member's bill, and I think the point of this government bill, is to do just that.

The first and obvious reason for bringing in contingency fee legislation is that it's going to increase access to justice. We have a brutally expensive justice system, accessible to very few. Most of the court dockets on the civil side, in most jurisdictions in this province, are dominated by what I would call professional litigants, that is, businesses who have to, as part of doing business, get into the business of litigation, whether it be insurance companies acting as defendants or whether it be matters involving the various professions which are often being sued or whether it be simply the commercialists, companies which go to court to try and resolve disputes because the stakes are so high. What that means is that the docket is totally unavailable and unaffordable to the vast majority of Ontarians. Noted in a 1995 report

prepared by the Ontario Civil Justice Review—this was a report by the Ontario Court of Justice and Ministry of the Attorney General—this was one of the observations:

"It is important to ensure that access to justice applies fairly to all members of society. There is a particular concern that the middle class, who do not qualify for legal aid, cannot afford the costs of litigation and therefore encounter a barrier to access to justice. As well, wealthier members of society can wear down middle-class members since the latter cannot afford to fund lengthier lawsuits."

#### 1920

That obviously applies 10-fold for those who do not even consider themselves, or otherwise fit into, the demographic of the middle class. There's just no access to justice for so many Ontarians because of this. Now, is this bill a panacea? No, it's not, nor is my private member's bill a panacea. Rather, the hope and the assumption here is that the experience will be the same in other provinces, and that is that some cases that otherwise might not have gone to court will get access to justice.

Legal services are normally purchased with an initial retainer to the lawyer and a commitment to pay an hourly rate for services in disbursement. Many clients, therefore, simply cannot afford that initial retainer and cannot, on an ongoing basis, afford the hourly fees.

"As noted in the 1995 report"—just stated—"the cost of hiring a lawyer is commonly perceived as the single biggest obstacle to litigation in the Ontario Court (General Division). Another difficulty with hourly billing is that it creates incentives for lawyers to prolong cases"—some believe—"by ... conducting more interlocutory proceedings"—in other words, having a whole bunch of motions—"and extending discoveries."

Contingency fees mean that you don't pay unless you win and you don't pay your legal fees until you have a damage award from which to pay them. So it basically means that the risk is borne by the counsel, by the lawyer. It's because of that, really, that we will not have frivolous litigation in Ontario, simply because lawyers are not going to gamble on frivolous cases because they are going to want to be able to collect a fee for it.

Why else do we need contingency fees? "By increasing access to justice, contingency fees may save the public purse"—in many ways. "The purpose of the civil justice system is to enable those who have been injured or harmed by another to be compensated by that person." If people cannot afford to retain a lawyer in order to pursue their claim against another party, then they must turn to the public purse, in many cases, for assistance, instead of getting the person who ought to be paying for it to pay for it through the courts.

Next, "Ontarians should have the same right to enter into such arrangements as other Canadians. All of the provinces and territories in Canada, except Ontario, permit contingency fees with varying controls."

Last, we have right now in Ontario a legal assistance crisis, where fewer and fewer Ontarians simply cannot



qualify for legal aid because it is so restrictive and so difficult. Contingency fees, outside the criminal law and family law context, which obviously is the main focus of legal assistance and Legal Aid Ontario, would provide for such funding for actions no longer covered by legal aid. Contingency fees in that sense are meant to fill the gap that has been left by legal aid cuts, particularly as they apply to the civil side.

In my bill and in this bill, it is made clear what is clear I think in the common law, namely, that contingency fee arrangements cannot be entered into for family law matters and for criminal law matters, which should be self-evident, but this must be spelled out, in my view, in legislation.

The arguments against contingency fees tend to focus upon the potential for abuse. Let me start out by citing Mr Justice O'Connor, who said of these abuses as follows, in the McIntyre case, on September 10, 2002: "While historically these concerns about the potential for abuse by lawyers or damage to the lawyer-client relationship were frequently expressed, there is little, if any, evidence to show that the fears were well founded. We do know that for years lawyers have acted in what they considered to be meritorious cases for clients of modest means with the realization, if not the express agreement, that they would be paid only in the event of success."

He went on to say, "We have the benefit of the experiences of the many jurisdictions that have enacted legislation permitting regulated contingency fee arrangements. This court was not shown any evidence to show that lawyers in these jurisdictions, properly regulated, are more likely to engage in the types of abuse to the administration of justice that were once feared to be the result of contingency fee agreements," which really addresses, typically, succinctly and brilliantly, the definitive counter-argument to the concern about abuses.

**Mr Kormos:** Brilliant?

**Mr Bryant:** I'm describing Mr Justice Dennis O'Connor as brilliant, not me.

Some of the reasons for a contingency fee bill are in fact to address the abuses, whatever abuses there may be, to provide for a cap; to provide for the circumstances in which contingency arrangements are not allowed; to deal with the question of double-dipping, getting both the award and costs and in what circumstances that might happen; and to deal with instances where the consumer feels ripped off and needs some recourse. All those issues are addressed in my private member's bill and also in this bill as well, and that's the purpose of this: to address those concerns.

Is it possible that we can improve on the bill? I have no doubt that at the committee hearing stage we will endeavour to do that, and we will hear from all the stakeholders and consumer groups and the like to ensure that in fact we have covered all our bases. I certainly would not suggest that my private member's bill is infallible. I look forward to improving it as a private member's bill; I look forward to addressing that in the context of a government bill as well.

Nonetheless, let me just quickly go to some of the potential concerns about contingency fee arrangements and try and address them. First, there is the concern that contingency fees may lead to excessive fees. Well, that's the whole point of putting caps in, the whole point of limiting double-dipping: that you address the ability of lawyers to obtain excessive fees. In the Canadian context, interestingly, statistics compiled by the Insurance Corporation of British Columbia showed, in a nutshell, that for cases involving damages worth 25%, most of the claims saw that the level of fees for the contingency contract are less than they would have been had the matter just been billed out. The next 20% of writs issued involved cases between \$25,000 and \$100,000, and at that level the lawyer's contingency fee is probably slightly higher than the hourly rate would be if the case did not have to go to trial. So it is written in the British Columbia access to justice report of the justice reform committee of 1998. It is only in the remaining 14% of cases involving more than \$100,000 where contingency fees can be considerably higher than an hourly rate bill would be. Yet, of course, if we have someone of limited or modest or even just average means, they would never have the opportunity to bring that \$100,000-plus case to court because they would never be able to afford the retainer and the hourly rates along the way.

The other concern is that of frivolous litigation. When I first put forward my private member's bill I found myself on CBC Radio debating eminent counsel Paul Morrison. Mr Morrison expressed a concern about frivolous litigation, although he was very, I think it's fair to say, balanced and complimentary in his remarks. I'll just say now what I said then. In Canada, unlike the United States, we have a party-and-party cost rule, which generally means that a losing party must pay a winning party's costs of the litigation. There is no similar requirement in the United States. It is generally felt that the concern of having to pay the other side's costs in the litigation is a significant deterrent to frivolous litigation.

The second check on frivolous litigation arises in our caps on what are called non-economic costs. In Canada, unlike the United States, there is a cap on the amount that can be recovered for non-economic losses. The Supreme Court of Canada has limited the amount of court awards for non-economic losses, meaning pain and suffering, loss of amenities, reduced life expectancy. It reduced that amount to \$269,000 in 1999 dollars. No limit exists in the United States, and awards have run into the millions of dollars.

In other words, it is not the case in Canada, as it is in the United States, that you can bring a contingency fee action in what amounts to buying a lottery ticket. It's worth the investment because the lawyer may recoup millions of dollars because somebody gets multiple millions of dollars for having a cup of coffee spilled on them. Those kinds of damages just are not awarded and have been limited in our country, thanks to the Supreme Court of Canada, and as a result of that you don't have those huge damage award lottery cases in Canada, which

again checks against frivolous litigation. As I also said, there's a certain lack of logic to the concern of frivolous litigation, and that is, lawyers are a lot less likely to accept cases of little merit when their fee is contingent upon success.

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The private member's bill that I introduced did receive the support of some of the stakeholders and I just want to acknowledge it now because I appreciate it very much and time didn't permit me to do so during private members' hour.

The Advocates' Society wrote to say:

"The Advocates' Society continues to believe that permitting clients and their lawyers to enter into regulated contingency fee arrangements will serve the important objective of enhancing access to justice for the people of Ontario.

"It is clearly a concept whose time has come."

That is from Philippa Samworth, president of the Advocates' Society.

The Ontario Bar Association wrote that "the OBA has since 1988 advocated for, and supported the implementation and regulation of, contingency fees in Ontario....

"Mr Kidd"—who is the chair of the OBA committee on contingency fees—"... reviewed your bill to amend the Solicitors Act and believe that it accords with the key recommendations on implementation that we have consistently favoured. We approved of your efforts to formally recognize and organize this most important access-to-justice tool for the Ontario public." That is from Virginia MacLean, QC, president of the Ontario Bar Association.

Then the treasurer of the Law Society of Upper Canada wrote:

"As you know, the law society has for many years advocated for contingency fees for lawyers....

"In this context, we thank you for continuing to highlight this important issue." The letter goes on to deal with the McIntyre decision.

My time is running short. I will not have a chance yet to speak to, among other things, the limitation period consolidations, which were originally introduced by—who?—the Honourable Ian Scott, that great Attorney General, who I know wants those particular provisions to pass. I'll certainly look forward to speaking to that in the near future.

**The Acting Speaker:** Further debate?

**Mr Kormos:** Regrettably, we only have 20 minutes, but that's OK because we're going to make up for it the next time we address the bill.

The bill has three distinct parts. Let's deal right off the bat with certified general accountants. They've waited long enough. I know there are chartered accountants out there who aren't happy about the legislation. I know there are chartered accountants out there who are probably phoning the Conservative backbenchers and cabinet ministers, telling those backbenchers and cabinet ministers that this chartered accountant is revoking his or

her membership in the Conservative Party, or that this chartered accountant has lost all confidence in the Conservative Party to uphold the hierarchical, tiered nature of accountants in this province.

New Democrats have for a long time advocated for the inclusion of certified general accountants in a public accounting regime that recognizes the skill that requires them to meet appropriate standards and, should they meet those standards, and I'm confident they do and will, permits them to perform the full range of roles that we call upon accountants to do. As a matter of fact, I was pleased that Bill 200, which of course predates this bill before the House this evening, is a bill that was designed to amend, among other things, the Public Accountancy Act.

Bill 200 makes "significant changes to the Public Accountancy Act. It restructures the Public Accountants Council for the Province of Ontario as the Ontario Public Accountancy Oversight Board, consisting of six members appointed by the Minister of Finance and one member appointed by each of the following professional bodies:

"1. The Certified General Accountants Association of Ontario.

"2. The Institute of Chartered Accountants of Ontario.

"3. The Society of Management Accountants of Ontario."

It then further requires that a majority of the board "must not be public accountants." The board's functions of course are to set quality control and accounting standards and review accounting practices.

The bill further went on to indicate, "The qualifications for a licence to practise as a public accountant are amended to require an applicant to pass the qualifying examination approved by the board and to be a member of one of the professional bodies referred to above," including the Certified General Accountants Association of Ontario. Bill 200, introduced in this Legislature by Howard Hampton, leader of the New Democratic Party, on October 30, 2002, reflected a long-time commitment that the NDP has had to certified general accountants being entitled to utilize all of their skills in the practice of their profession, in the practice of public accounting.

There's some concern with the amendments to the Public Accountancy Act, schedule C of the bill, unlike Mr Hampton's bill, which very clearly spells out the makeup of the governing body: one from each of the three accounting associations—certified general accountants, chartered accountants and management accountants—and with a guarantee that the majority of the board must not be accountants. There was no suggestion, of course, that they had to be lawyers or anything like that. It provided a secure structure wherein there was no doubt by the affected bodies that there could and would be fairness.

I have to tell you, because this bill has only been here before the Legislature a couple of days—it has just been printed—I had one of our staff call the Attorney General's office, because I wanted this afternoon, knowing we were going to speak to the bill this evening, an



opportunity to talk to ministry staff and get what we call a briefing around the bill. The Limitations Act, which is yet another part of the bill, is something with which all of us should have some familiarity because, heck, there have been two Limitations Acts introduced by this government, neither of which has ever proceeded very far. But I was grateful to the staff who came over from the Ministry of the Attorney General. I am grateful to them, and quite frankly they were extremely helpful in both the contingency act portion of this bill and the Limitations Act portion of this bill and in the acknowledgement of the expertise and skill of the certified general accountants portion of this bill—because that's really what it is, isn't it?

I want to thank the staff who joined me in the NDP caucus area today: Mark Leach, who is the director of the policy branch; William Bromm, counsel in the policy branch, Ministry of the Attorney General; John Twohig, senior counsel in the policy branch; Sunny Kwon, counsel, policy branch, business policy and planning division; Marie Irvine, counsel, policy branch, business policy and planning division; Abiodun Lewis, counsel, policy branch, business policy and planning division; John Lee, counsel, policy branch, business policy and planning division; and John D. Gregory, general counsel, policy branch, business policy and planning division. I really am extremely grateful. These are smart people; these are very competent people. These are civil servants who conduct themselves in the best manner of the civil service. They understand this legislation inside and out, and they were extremely helpful to me in ensuring that I understood the legislation as best it could be understood. They, of course, were joined by the warden, the political staffer. He was a pleasant enough young fellow too, Mike Langlois, MPP liaison, office of the Attorney General and minister responsible for native affairs.

It was a pleasure to meet with these folks this afternoon. I've had occasion to deal with them before. I have the highest regard for them. I want you to know, and I quite frankly want them to know, that I appreciate their assistance not only on this bill but on similar bills that have come out of the Ministry of the Attorney General.

One concern that we have with finally recognizing certified general accountants and their expertise in their capacity to perform public accounting, or public accountancy—far be it from me to inappropriately refer to that practice—is that we're still very much in the dark about the structure of the governing body. Unlike Howard Hampton's bill, which laid out the nature of the governing body—one from each of the three branches of accounting and then a majority appointed by the government who shall not be accountants—we don't have that structure available to us yet with respect to the amendments to the Public Accountancy Act. I'm advised that the matter has been referred to Professor Ron Daniels, whom most of us are well aware of, from over at U of T law school. The advice given to me today was that Professor Daniels has indicated that he will attempt to

effect or facilitate a consensus between the three accounting bodies and present that to the government. Failing a consensus, he's said he is going to do what he thinks should be done and recommend that to the government to implement by way of regulation.

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I also want to indicate the history of the Limitations Act. We had Bill 163 introduced on December 12, 2000, and it looks like that one got killed in a prorogation of the House. It just died a natural death as a result of the House being prorogued. Then we got yet another one. The first one was introduced by an Attorney General called Mr Flaherty, and the second one—I suppose that would still be the same Attorney General, as I recall it. I'm not sure; I don't have it in the note that was given to me, as to who the second Attorney General was who introduced yet another Limitations Act, Bill 10, on April 25. Bill 10 is the bill still before the House, the Limitations Act. Was it Mr Flaherty or Mr Young who introduced Bill 10? One or the other, obviously. It doesn't happen to be in my notes.

Here we have the Limitations Act again. This time I suspect it might pass, because the government has proceeded with second reading pretty promptly, and we've seen this before when they create a mini omnibus bill. I predict that this government will want this bill to pass before Christmas. Quite frankly, at the end of the day, if that's the case, if the government calls it and it proceeds through second reading, committee and then third reading, so be it.

I predict the government will not want to have anything by way of significant public hearings around this bill. I bet you dollars to doughnuts right now that the government does not want this bill to go to committee. It's not because we don't want it to go to committee. I'd love to hear from members of the various accounting professions. I'd love to hear from certified general accountants. I'd love the opportunity to meet with those certified general accountants and tell them how New Democrats have backed their interests for a long, long time. I'd also like to hear concerns expressed around the Daniels review and then the proposal to be done by regulation, because I'm a little fearful, as I suspect some of the members of these professions are, about the prospect of regulation being utilized to set up this governing body, this council.

I told you the other part of the bill dealt with the Limitations Act. Again, what lawyers and any number of professions have told me is that an overhaul of the Limitations Act is probably long overdue. It's nice, I suppose, in the total scheme of things to see a broad single limitations period of two years being created in this act, if only it were all-encompassing. I took a close look here, and I understand there are some lengthier periods, which are not inappropriate, the 15-year period, due to the circumstances that it contemplates.

But guess who had their cake and ate it too again. Guess who. The auto insurance industry. Those highway robbers are so deep in this government's back pocket,

and this government is so deep in the highway robber insurance industry back pocket, that both of you are spitting out lint. Because sure enough, although the general two-year limitation period is considered fine for most people under most circumstances, what does the insurance industry get? Catch this. Section 39, a new section to the Insurance Act: "A proceeding against an insurer under a contract in respect of loss or damage to an automobile or its contents shall be commenced within one year after the happening of the loss or damage." You see, everybody figures, over on the Conservative side, that a two-year limitation period is good enough for regular folks, right? But oh, no, the auto insurance industry gets special consideration. I find that objectionable. Once again, what's sauce for the goose ought to be sauce for the gander. I see once again that the insurance industry—I'm not suggesting they own this government, but it's obvious that from time to time they're renting it, at least for a sufficient period of time to get the amendments they want in bills like the Limitations Act.

Shame on you guys for succumbing, for taking a dive and biting the canvas so quickly. Shame on you. How come people in your caucus weren't standing up saying, "Tell the insurance industry to pound salt. If we're creating an across-the-board two-year limitation period, let it be an across-the-board two-year limitation period for everybody."

Understand what limitation periods are all about: they're there to protect the defendant. You understand that, don't you? Limitation periods are about protecting the defendant. In this case, it's about protecting the insurance industry. One of the rationales—gosh, there are probably people who could put it better than I can—is you can't expect a defendant against whom a claim is being made X number of years after the fact to be in possession of all the things that might be necessary to resist that claim. That's why the two-year limitation period, consistent and uniform, is not, in the total scheme, such a bad idea, because more than two years after the fact—let's say you loaned me some money, and then you decide I didn't pay it back. If you wait longer than two years after when I was supposed to pay you back, I could say, "I gave the money back, and you gave me a receipt, but how do you expect me to have the receipt after two years?" Heck, I can't keep stuff around for two days—look at my desk—never mind two years. It's designed to protect me as a defendant in that case from having to defend myself against a claim made against me, whereby the passage of time means that just time alone would cause little bits of evidence—my memory, my recollection, my possible witnesses—to have disappeared, flown the coop or moved on.

Why are we giving special consideration to the insurance industry? Haven't they picked enough pockets in this province? You gave them their amendments in Bill 198, which restrict the no-fault benefit medical rehab services that innocent injured victims are going to be able to access, and the insurance industry still promises double-digit premium increases. They had their way with you through Mr Sampson—shame on you, Rob

Sampson—in terms of Bill 198, and now they've had their way with you with respect to the Limitations Act.

When are people going to stand up to the insurance industry? They're not your friends. Well, I suppose they're your friends, because of course they cut cheques when it comes to making campaign contributions. Well, you heard Howard Hampton earlier today talking about Rent-a-Wreck, Rent-a-Chalet or Rent-a-Beach House—Rent-a-Government. Why do you guys keep biting the canvas, taking dives for the insurance industry? It beats me.

But there's more to come on the Limitations Act; there's more to be considered. I've got to move fast, because we've got to talk about the contingency act. I was particularly upset—again, the staff I referred to were extremely helpful in pointing out what changes had been made in this Limitations Act from the earlier two acts that have been introduced, most recently Bill 10, which the government never saw fit to proceed with.

I've had accountants on my back saying, "When is this government going to get off its duff and move along with the Limitations Act?" I said, "Search me. These guys aren't the most organized." The Conservatives—the over-the-hill gang, the shoot-themselves-in-the-foot gang. I've got accountants down where I come from who want this Limitations Act passed; they want it debated and passed. They've said, "Where is Bill 10?" I said, "Search me. I'm not the government House leader. I don't call the orders of the day for the government. I don't determine the government agenda. The government didn't see fit to proceed with its Limitations Act." Finally, by including it with two other bills—this mini-omnibus—it looks like we're going to move on. However, what's interesting is that with respect to claims by the government, there's no limitation period.

I want you take a careful look at this, because this is repugnant: a proceeding brought by the ODSP or Ontario Works has no limitation. ODSP and Ontario Works can bring the action 10 years after the supposed overpayment, 20 years, 30 years or 40 years. I've already had experience in my constituency office of Ontario Works calling up good folks down where I come from in Niagara Centre, saying, "What about the money you owe welfare from 15 years ago?" They say, "What are you talking about? How can I possibly, 15 years after the fact, argue my case? I'm saying to Ontario Works, 'You're full of it, telling me, 15 years after the fact, that you overpaid me. Why didn't you tell me then? Cause you sure as heck didn't tell me then.'"

There is no limitation act in claims being made by ODSP and Ontario Works. I think that is repugnant and I would hope that government backbenchers will take a look at this. I don't think it's fair. It's not decent; it's not just. How can you expect somebody who might have been on welfare, social assistance, Ontario Works, 15 years ago, who insists they didn't receive a penny of overpayment, and not only didn't they receive a penny of overpayment, they were never notified of a penny of overpayment, and 15 years after the fact, when they've



moved on with their lives as people like that want to, they get hammered by ODSP or Ontario Works saying, "You owe us as a result of an overpayment"? It's not right. A two-year limitation period should be a two-year limitation period for all. This is nothing more than an ongoing effort to beat up on some of the poorest people in Ontario.

I hope you folks will take a look at it, and I'm referring very specifically to section 16. There is no limitation period in respect of that section of this bill.

I'm going to have to talk about the contingency act next time we come back. I'm going to want to talk about

the McIntyre decision, the Ontario Court of Appeal decision by Mr Justice O'Connor. One of the things I'm going to be explaining to you is that we have had contingency in this province for a good chunk of time; Justice O'Connor said so. We'll get to that next time this bill is called.

Thank you very much for your patience with me tonight.

**The Acting Speaker:** In accordance with the agreement made earlier tonight, this House stands adjourned until 1:30 pm on Monday, December 2.

*The House adjourned at 1952.*

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Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
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Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Duncan, Dwight (L)
		York North / -Nord	Kwinter, Monte (L)
		York South-Weston / York-Sud-Weston	Munro, Julia (PC)
		York West / -Ouest	Cordiano, Joseph (L)
			Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 2 December 2002

Lundi 2 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 December 2002

*The House met at 1330.  
Prayers.*

### WEARING OF RIBBONS

**Mr George Smitherman (Toronto Centre-Rosedale):**

On a point of order, Mr Speaker: I seek unanimous consent to wear red ribbons in the Legislature today in recognition of World AIDS Day.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

### MEMBERS' STATEMENTS

#### CENTRAL NORTH CORRECTIONAL CENTRE

**Mr Dave Levac (Brant):** I rise in the House today to respond to a statement from the member for Simcoe North last week about the Central North Correctional Centre in Penetanguishene. I was appalled to listen to the member praise Management and Training Corp Canada for operating a "correctional centre that has represented a win-win situation for everyone involved, including the inmates."

Obviously the member is quite ill-informed when it comes to actual occurrences at CNCC, where over the past year there have been countless problems with many areas at that super-jail. Besides security breaches, which I witnessed on an unplanned tour, guards working entire shifts without meal breaks, a riot which caused severe damage to a whole section within the jail and questionable medical care practices tell me this private prison experiment has not been a success, as the member opposite wants everyone here to believe.

I was outraged this past week when it came to my attention that a male inmate had been sodomized while in custody at the jail last weekend. I have recently been contacted by a former inmate who has recently filed a lawsuit against the province of Ontario and Management Training Centre, the operators of the jail, for an incident which occurred while he was incarcerated at that super-jail. Another inmate bit off his earlobe in a lengthy scuffle in a video-monitored common room. This man suffered numerous injuries before a guard entered the room and is now having problems obtaining that surveillance so that he can do his court case.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 décembre 2002

This raises a number of questions on the procedures at CNCC and the measures taken to protect those within its walls and the community surrounding it. It's my hope that the Harris-Eves government will soon realize that private, US-based prisons are out of the question in the province of Ontario.

### AMYOTROPHIC LATERAL SCLEROSIS

**Mr Cameron Jackson (Burlington):** ALS, or amyotrophic lateral sclerosis, sometimes called Lou Gehrig's disease, is a rapidly progressive, fatal neuromuscular disease. There are an estimated 1,500 to 2,000 Canadians who are living with ALS. This disease knows no social or economic boundaries and affects men and women in equal numbers. ALS can strike at any time. Generally, there is little impairment of the intellect, sight, touch, hearing or smell even as the disease progresses.

The average life expectancy from the time of diagnosis ranges from three to five years. There is no treatment that prolongs life significantly, although research is looking at possibilities. During the latter stages of the disease, when there is extensive paralysis, home and nursing care are required to assist with the tasks of daily living. The type of care needed can be costly. While provincial health care systems cover some of these costs, patients and families must bear any remaining costs, including some equipment purchases and private nursing.

The recently released Romanow report recommends that the federal government set up a national home care plan. Canadians with ALS know how important this recommendation is, especially for palliative care.

The ALS Society provides advocacy and support to ALS sufferers. Today the ALS Society has been at Queen's Park. I want to welcome the ALS Ontario president, Deborah Lavender, and her team, and encourage them in their important work.

### ECONOMIC OUTLOOK

**Mr Gerry Phillips (Scarborough-Agincourt):** I rise today to ask the Minister of Finance where our economic and fiscal outlook statement is. It is customary that the government prepare this document. Last year, it was released on November 6. It is a key document for the province of Ontario to understand the state of our economy and finances.

Since the Premier has become Premier, frankly, we've seen a series of these things. This year's budget was the



latest it has ever been. In 1995, Mr Eves promised that the budget would be released before the fiscal year started. This year's budget was presented in June, three months after the fiscal year started. The public accounts were released about two weeks ago—these are the audited statements—seven and a half months after the fiscal year closed, the latest we've ever seen them.

By the way, if you look at the public accounts, we still find two sets of books. There's a \$1-billion difference between the financial statements and these financial statements, both issued at the same time. We still have two sets of books, in spite of the fact that the Premier, then the Minister of Finance in 1995, promised that would be eliminated.

I say again to the government, the business world and the province of Ontario looks for sensible, strong leadership. We're not getting that. The latest example is the fact that we still don't have our fiscal and economic outlook, several weeks later than it has ever been.

#### WEARING OF FLOWERS

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: I seek unanimous consent to wear the flower which depicts awareness of ALS, Lou Gehrig's disease.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

#### COAL-FIRED GENERATING STATIONS

**Ms Marilyn Mushinski (Scarborough Centre):** It's my hope today to get a clear answer from the Liberals across the floor about whether or not they plan to close coal-fired electricity-generating plants by 2007.

I understand that there has been a great deal of indecision about this issue within the Liberal caucus. One day they were for closing the plants, the next they were for keeping them open, and then again they flip-flopped. Now, as I understand it, they are for closings, at least for the moment.

It seems that some Liberals believe their leader is blowing smoke on this issue. Understandably, they do not comprehend how Ontario would replace the lost power from the coal-fired plants. I understand that the coal-fired plants contribute approximately 35% of Ontario's electricity, yet Dalton keeps us in the dark about how he would counterbalance this shortfall.

I ask Liberals to come clean today. I ask them to tell voters that they really have no plan to replace the lost generating capacity. Alternatively, I ask them why voters would ever support blackouts and brownouts across Ontario.

Should we call the Liberal leader "Blackout Dalton"? Possibly so, since Dalton's policy will lead to blackouts and people freezing in their homes. Frankly, it's very hard to imagine voters supporting a party that has so clearly failed to do their homework on such an important issue.

#### SCHOOL BOARDS

**Mr Richard Patten (Ottawa Centre):** There are times in which I feel this government operates the theatre of the absurd, when black means white and white means black.

Last August, the Minister of Education replaced the Ottawa-Carleton District School Board with a supervisor because, according to the minister, the trustees broke the law by not submitting a balanced budget. Now the supervisor admits he cannot balance the budget, so he will borrow \$13.9 million, even though he has just cut \$3.7 million in special education, a clear classroom cut.

According to the Ottawa Citizen's Randall Denley, "Beyond the political guff, Beckstead's actual plan is pretty thin. A good portion of it involves money that wasn't going to be spent anyway. Just as curious was the reaction of our local Tory cabinet ministers (Baird, Sterling, Coburn) who praised Beckstead for his partial accomplishment. If the local trustees had done the same thing, the Tory thinkers would have had apoplexy. The three cabinet ministers described the fact that the board has spent all its reserves and finished last year with a deficit as a 'shocking revelation.'"

"If that was a shock, then they've been on another planet. Wake up guys, and buy a subscription to the newspaper."

The other Tory MPP, Mr Guzzo, Ottawa West-Nepean, is quoted as saying, "Yes, I think he should be replaced."

I agree with Mr Guzzo. Mr Beckstead should be replaced by giving the board back to the trustees, who were totally vindicated by this process, and funding the board adequately, as Mr Beckstead himself has shown is much needed.

1340

#### PRESS GALLERY CHARITY AUCTION

**Mr Tony Martin (Sault Ste Marie):** It's snowing in northern Ontario and people are skiing. Searchmont ski resort, in the mountains of the midwest, just north of Sault Ste Marie, opened up just in time for the American Thanksgiving weekend. Mike Brown and I presided over the official opening on Saturday.

Imagine fluffy snow everywhere and hundreds of people—families, children—shushing, skiing, snowboarding down the slopes. This phenomenon coincides with the annual press gallery charity auction on Wednesday evening this week right here in the pink palace, and yet again three Sault Ste Marie boosters, businesses promoting our city and region, have put together a package not to be missed. To be auctioned off: a two-night stay at Algoma's Water Tower Inn, two days of skiing at Searchmont Resort and, yes, airfare for two from Toronto via Air Canada Jazz.

So jazz it up and bid on two nights at a resort for the price of a room and ski till your heart is content at Searchmont ski resort. Get into winter. Get out in the

snow. Come on up to the Soo and enjoy our unparalleled hospitality. Come on out to the press gallery charity auction on Wednesday night. Bring your friends, support the United Way and have a really good time at the same time.

#### MEGHAN LOHSE

**Mr John O'Toole (Durham):** I am pleased and excited to rise in the House today to say that my wife, Peggy, and I are thrilled to announce the arrival of our first grandchild. Meghan Elizabeth was born Monday, December 2, at 6:30 am Australian time at Calvary Hospital in North Adelaide. Meghan weighed in at seven pounds, 13 ounces. Proud parents are our daughter Rebecca and our son-in-law David Lohse. I'm pleased to say that mom and daughter are both doing fine.

Meghan Elizabeth is the granddaughter of Jane and Roden Lohse of Lithgow, Australia. She is the great-granddaughter of Elizabeth Woods, Madge Hall and the late Claire and Ruth O'Toole, George Woods and Ron Hall.

Our other children, Erin, Marnie, Andrew and Rochelle, are of course thrilled to welcome this newest member of our family. I think each of us would agree that Christmas has come early for our family and our household.

It is at times like this, with the arrival of a new generation, that we understand more clearly the importance of the work we do here in this Legislature each day. We must continue to realize that our decisions are not just for today or tomorrow, but for a future that now includes our children and grandchildren.

My wife, Peggy, is excitedly looking forward to travelling to Australia on December 26 to visit Rebecca and her daughter, Meghan.

#### MARJORIE HOUSE

**Mr Michael Gravelle (Thunder Bay-Superior North):** Last week, I had the opportunity to visit Marjorie House, a women's emergency shelter in Marathon which provides a safe haven for victims of domestic assault in the Marathon catchment area. Sad to say, but the cruel reality for agencies such as Marjorie House is that their occupancy rates are continuing to increase as more women and children seek the safety of these desperately needed services.

But what's so startling about that reality is that despite this increased need, the Ministry of Community and Family Services has brought forward a plan which not only recommends the closing of the community residence in Thunder Bay but would reduce the number of beds available at Marjorie House as well as the family resource centre in Geraldton from 10 beds to two by April 2004.

Not only that, but the plan also calls for one regional crisis line to be put in place, replacing the crisis lines

presently run by the staff at Marjorie House—a truly stupid and bad idea.

Minister Elliott, I often feel that your government lacks the necessary awareness of regional realities and distances in the north, but this particularly insensitive plan truly boggles the mind. Let me be very clear, Minister: this is a bad plan that must be stopped in its tracks. You can do that today by instructing your ministry staff to withdraw this plan immediately.

At a time when needs are increasing and your own government wants to brag about its so-called increased commitment to address domestic violence, all of us in the Thunder Bay district are at a loss as to how you can possibly justify these massive reductions in service. Women and children who are fleeing domestic assault in Marathon or Thunder Bay should not be punished because they live far from downtown Toronto. We demand that you understand that as well by stopping this ill-thought-out and remarkably insensitive plan right now.

#### HEALTH CARE

**Mr Bart Maves (Niagara Falls):** Roy Romanow has released his long-awaited report on health care reform in Canada. The report, released on November 28, 2002, validated the Ernie Eves government's long-standing belief that more health funding is needed from the federal Liberal government. It's quite telling that while Ontario Liberal leader Dalton McGuinty tries to create fear around Ernie Eves's innovations to provide universally accessible, publicly funded MRI services in independent health facilities, McGuinty's federal Liberal cousin, Anne McLellan, the Minister of Health for the government of Canada, disagreed with McGuinty, saying, "I think" independent health facilities "do play an important role in terms of providing advanced diagnostic services. My view has been that if clinics are providing medically necessary services they should be covered by the Canada Health Act."

After seven years of saying the feds spend enough on health care and refusing to stand up to his federal Liberal cousins, Dalton McGuinty now says he supports Romanow's call for more health care funding from the federal government. Where was Dalton years ago when the Ontario PC Party began the national debate, brought premiers from coast to coast on board, brought the issue to the top of the national agenda and forced the federal government's hand to create the Romanow commission in the first place?

Dalton McGuinty has not released a health care plan for Ontario. He's simply not even part of the dialogue. The entire Dalton McGuinty health care plan on the Liberal Web site, all 147 words of it, is ideas cribbed from this side of the house. Leadership takes courage. Ernie Eves and the Ontario PC Party team have it and have led the way with innovative solutions and unparalleled health care funding for the past seven and half years. Dalton McGuinty? He's still not up to the job.



## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Mrs Margaret Marland (Mississauga South):** I beg leave to present a report from the standing committee on the Legislative Assembly, pursuant to standing order 109(b).

**The Speaker (Hon Gary Carr):** Mrs Marland presents the committee report. Does the member wish to make a brief statement?

**Mrs Marland:** No, it's a very straightforward report. I won't make a statement.

**The Speaker:** I thank the member. Pursuant to standing order 109(b), the report is deemed to be adopted by the House.

## INTRODUCTION OF BILLS

### REDEEMER UNIVERSITY COLLEGE ACT, 2002

Mr Wood moved first reading of the following bill:  
Bill Pr14, An Act respecting Redeemer University College.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

## MOTIONS

### COMMITTEE SITTINGS

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that the standing committee on finance and economic affairs be authorized to meet to hold pre-budget consultations on January 27, 28, 29 and 30, 2003, and February 3, 4, 5, 6 and 20, 2003.

**The Speaker (Hon Gary Carr):** The member, I believe, needs to ask for—

**Hon Mr Stockwell:** I apologize. I ask for unanimous consent.

**The Speaker:** Consent to move the motion? I can't keep track. Is it the pleasure of the House? Consent.

Mr Stockwell has moved the motion. Agreed? Carried.

1350

## WORLD AIDS DAY

**Hon Tony Clement (Minister of Health and Long-Term Care):** On a point of order, Speaker: I seek

unanimous consent to allow statements by the parties for up to five minutes on the occasion of World AIDS Day.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed. The minister, to start us off.

**Hon Mr Clement:** I rise in the Legislature today in light of the World AIDS Day 15th anniversary, which has been entitled Live and Let Live.

By the end of 2001, an estimated 40 million people were living with HIV. That number is expected to escalate by another five million cases per year. Furthermore, in 2001 alone an estimated three million people lost their lives to AIDS. That's over 8,000 deaths per day. The disease knows no boundaries. There are a reported 22,000 people right here in Ontario who are currently living with HIV.

That's why World AIDS Day is so important. It's a day to affirm our support for people living with HIV and an important opportunity for us to demonstrate our high regard for the doctors, nurses and other health care providers throughout Ontario who have responded to HIV/AIDS with such skill, compassion and dedication.

Past government initiatives include the establishment of the Ontario HIV Treatment Network, the Community-Linked Evaluation AIDS Resource Unit and the injection drug user outreach program. I want to assure the House at this time that HIV/AIDS prevention, care, treatment and support will continue to be priorities for the Ernie Eves government, and we'll be spending almost \$50 million in 2002-03 for HIV- and AIDS-related programs.

The government's 37 boards of health collaborate with school boards to provide education to students about HIV and AIDS, in addition to providing needle and syringe exchange programs as part of our harm reduction program. As well, our government provides funding for supportive housing for people living with HIV and AIDS, and programs that provide volunteer-based in-home hospice care.

Ontario HIV diagnostic testing ensures that a very high standard of testing is maintained, and approximately 300,000 tests per year are conducted. Through our province-wide AIDS hotline, people can access information and counselling in both English and French. Approximately 90,000 calls are answered annually.

We're all proud of Casey House, a 12-bed residence and hospice program for people at the end stages of AIDS, which offers medical and nursing services, counselling and nutrition services.

All these initiatives demonstrate that health promotion and disease prevention have to be at the top of this government's health care plan.

We have come so far, but there is still so much more that has to be done. That is why I have directed that our AIDS strategy be renewed and reviewed in the months ahead. I learned a lot by attending the International AIDS Conference this past July, where it was absolutely clear that Ontario is at the forefront in both research and treatment. But we simply cannot rest on our laurels.

I'm proud of the outstanding achievements of the Ontario HIV community: people living with HIV/AIDS,

the health providers, the researchers, the clinicians and the community workers throughout this province. I'd like to take this opportunity in the House to thank the Ontario Advisory Committee on HIV/AIDS and its co-chairs, Dr Don Kilby and Mr John Plater, for their absolutely outstanding and uniformly excellent work in providing me with expert advice on all aspects of HIV/AIDS. I'm eager to learn more about the issues from this advisory committee when we sit down next in January to review our proposals for change.

On behalf of the Ernie Eves government, I would also like to thank those individuals as well as the many volunteers whose tireless efforts have lightened the burden of people living with HIV/AIDS and their loved ones.

I think it's accurate to say that a society is judged in large part by how it takes care of its sick and its infirm, simply those who cannot take care of themselves. That is why I am so proud that we in this government are working with the people of this province to help make an Ontario that is a better place for all people living with HIV/AIDS.

**Mr George Smitherman (Toronto Centre-Rosedale):** As a gay man, it is with a heavy heart that I stand on behalf of the Liberal caucus and my leader, Dalton McGuinty, to offer some words on this the 15th annual World AIDS Day.

I want to start by paying tribute to three individuals—Louise Binder, Jim Wakeford and Ron Rosenes—who all have AIDS and who continue to be incredibly passionate spokespersons and do such an effective job of making sure I'm aware of the issues that are affecting that community.

I want to pay tribute to the courage of those people in my community and in all of our communities living with HIV and AIDS, for the courage they show in confronting health battles that I think many of us are so fortunate not to have to deal with, and especially to those caregivers, to those people who work in voluntary capacities and as our paid medical staff, who do such an extraordinary job of extending the quality of life and helping to find new advances in treatments, services and pharmaceuticals that really have done so much to improve the quality of life for people living with HIV and AIDS.

I note that the theme of this year's World AIDS Day is Live and Let Live, but the unfortunate reality for those living with AIDS is that too many of them find early death. The stunning statistic that three million people last year succumbed to AIDS is a wake-up call, if one were ever needed on this issue.

The numbers in the world demonstrate that AIDS is a growing pandemic: some 42 million infected people worldwide, 75% of them in Africa. In Botswana, 39% of all of the people living in that country have HIV or AIDS. It's a growing concern in Russia, India and China.

I was looking back on some of the past statements that have been made. Two years ago, Frances Lankin, speaking on behalf of her party, noted that 33.6 million people then were affected worldwide by AIDS. The number is now 42 million and growing in a very serious

way. Here in Canada, an estimated 50,000 people are living with HIV and AIDS, 4,200 new cases annually.

In my own community, we're forced to confront the reality that while medications have extended the lives and the quality of life for people living with HIV and AIDS, that they've turned that disease into a chronic and somewhat more manageable disease, this has created an artificial sense of security for many younger people. We need to continue to enforce the message that this is something where personal responsibility needs to be the bottom line, that people have to take responsibility for their own lives, that we need to address that artificial quality of life.

In 2002, AIDS has touched me in a very, very personal way. The AIDS Committee of Toronto lost one of the most inspirational people I've ever met, a man by the name of Charles Roy, who was a world leader in the fight for better treatment, the fight against HIV and AIDS.

This Liberal caucus has a staff person by the name of Markus Wilson. Earlier this year we gathered around as a community, the family of a caucus, and raised money, and a bunch of us have been very involved in helping Markus while he continues to fight a valiant struggle. He has pretty good health, as I spoke to him this morning. It reminds us all that this is something that has touched so many of our families.

In my own political world there's a young man who moved to Toronto from not too far outside of Toronto, who is 20 years old, and earlier this year he tested positive for HIV. This helps underline that we have a lot more work to do.

I think this is one of those issues where leadership from political parties who were the government of Ontario, all three of them, means that as Ontario legislators we should be proud of the work we've done but should commit ourselves as well to make sure we continue to do all that is necessary: support for the kind of education that makes sure people understand that while treatment has improved, this is still a huge, huge risk.

We need to make sure that things like ODSP and the Trillium drug plan are working properly for people. We need to get back to the point where the province of Ontario supports nutritional supplements for people living with HIV and AIDS. We need to make sure that the work we've done on prenatal HIV testing, which works very hard to ensure that HIV is not passed from mother to baby, reaches out into more rural and isolated parts of our province to make sure there's a high level of awareness and that OB/GYNs and midwives in more rural parts of our province are aware of the best treatments and are making sure that those are effected.

By continuing to work together, I think we in Ontario can continue to be proud of the work we've done to preserve the lives of those living with HIV and AIDS.

**1400**

**Ms Shelley Martel (Nickel Belt):** I find no pleasure today in rising to acknowledge World AIDS Day, but we do so out of a need that we have, particularly on this day but frankly at all times, to ensure that we are addressing



and providing a response to this disease. UNAIDS, the United Nations agency that is charged with combatting the spread of HIV, reports that there now are 42 million HIV-positive people worldwide. There will be five million new infections this year around the world—800,000 of them children—and 3.1 million people will die.

Here in Canada, six people under the age of 25 are infected every day. Indeed, despite growing public awareness, HIV/AIDS infection rates have remained steady. Today there are nearly 50,000 Canadians living with HIV or AIDS. AIDS and HIV touch all of us in all our communities. For many of us, they have touched our families and our friends.

The HAVEN outpatient clinic at the Sudbury Regional Hospital estimates that about 300 people who live in the Sudbury area now have AIDS or HIV. Today, that outpatient clinic is launching a campaign to raise awareness, challenge the HIV/AIDS stigma, end discrimination and promote HIV prevention methods.

Communities across this province have rallied large campaigns to increase public awareness and build government support for HIV and AIDS prevention and treatment. We should not forget how many ways other people in those communities take action by providing support to people in those final days.

I want to talk for a moment about what barriers people living with HIV and AIDS still face here in Ontario, because frankly, the government record on removing those barriers is truly inadequate. While each year this government talks a good line, the reality is that they have not acted to remove the barriers to people living with HIV and AIDS. For example, drugs: over the years we have mentioned in this House on numerous occasions that in our conversations with doctors treating patients with HIV and AIDS, they are overwhelmed by the mountain of additional paperwork and bureaucracy the government creates. At a time when people living with HIV and AIDS need timely treatment, the government has created a double standard. It is just obsessed with red tape for these individuals.

The NDP government introduced the Trillium drug plan, but we know right now that there are some very significant issues with respect to the drug plan. There was a CTAC alert that was released on November 21. It said: "Ontario Formulary Coverage at Risk...."

"There are increasingly unacceptable delays and a refusal to add important new medications, formulations and vaccines for children to the provincial formulary. Also, section 8 requests for exceptions to the formulary rules are either being denied or languishing in the system without reply."

I ask the government, why is it denying people with HIV and AIDS reimbursement for life-saving medications? Why is the government refusing to pay the cost of meningitis, chicken pox or pneumonia vaccines for HIV-positive children? We have about 110 perinatal HIV-infected children in the province. At a cost of about \$600 for these three vaccines, surely the government could

make an exception and pay for vaccines for these families.

Nutritional supplements: Frances Lankin stood in this House in 1999 and demanded that the government reverse the policy to refuse funding for nutritional supplements unless they are a person's sole source of nutrition. We have to rise and demand that the government do the same again today. The government made a choice to enforce a policy that was not intended to apply to people who have a medical need for nutritional supplements, but that's just ridiculous. Supplements are just that: supplements. It's no answer to say that people can buy them off the shelf. They're far too expensive, and many of these people are on disability benefits and don't have the income necessary to do that. We also know that when this government made that decision, they must have known this would directly affect HIV and AIDS patients, but they have still refused to change this policy.

We're also very concerned that this government, in downloading public health costs, has also downloaded concerns from many consumers, many people who deal with HIV and AIDS, that some municipalities don't recognize the need for ongoing AIDS prevention programs. Some municipalities, overwhelmed with the costs that this government has downloaded in so many other areas, aren't addressing those concerns, aren't paying for those programs, and they should.

On this day, World AIDS Day, we call on the government to do a number of things: get the necessary drugs covered under the Ontario drug formulary in a timely fashion; fund vaccines for HIV positive children; get rid of the red tape that doctors are facing; bring back the nutritional supplements; and get back in the business of funding public health.

Today we need more than words. We need some action from this government in reducing these barriers.

#### VISITORS

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** On a point of order, Mr Speaker: I am very proud of the fact that I have one of my residents, Nicholas Butte, as a page in this place. I'd like to welcome his mom and his brother, Alistair, here today in the gallery.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: We're advised, and if this is incorrect I'll be corrected, I'm sure, that the Premier has to leave at 2:55 this afternoon. That puts us in some difficulty. By way of resolving that problem, might I—

*Interjection.*

**Mr Kormos:** Yes. Might I suggest that the government consider agreeing to standing down the government backbench questions so that the opposition has availability to the Premier?

**The Speaker (Hon Gary Carr):** I believe the member is asking for unanimous consent for that. Is there unanimous consent? I'm afraid I heard some noes.

## ORAL QUESTIONS

## HYDRO DEREGULATION

**Mr Michael Bryant (St Paul's):** My question is to the Minister of Energy. To the minister who during estimates committee could not read a typical energy bill, who referred to energy bills as gobbledygook, to the minister who referred to energy bills as "confusing" today in an announcement that the government was retaining a \$1,000-a-day consultant to try and make energy bills comprehensible, my first question is this: why weren't the bills made comprehensible before you opened up the marketplace on May 1?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** First, let me correct the member opposite. His facts are wrong, and this is not the first time that has happened. The individual in question has agreed to provide services over the course of not just the first 30 days where they'll make progress, but for the two or three months that they'll spend conducting a review at a capped rate of up to \$25,000; so it could be less. I hate to take the bluster out of the question of the member opposite, but in fact he is wrong; it's not the case.

I think it is appropriate that we look at not just the presentation of the bill to consumers but why there's such a huge differentiation on the customer charge. In the city of Thunder Bay it's a rather modest charge. In the city of Toronto it's rather high. In Hydro One, which is owned by the government of Ontario and the people of Ontario, it's considerably higher. We want to ask ourselves why this is the case, and also to look at the IMO uplift charge. I think that's the responsible thing to do.

**Mr Bryant:** I thank the minister. I hadn't realized what a bargain you have struck: \$25,000—wow, 25,000 taxpayers' dollars to clean up incomprehensible bills that should have been comprehensible before you opened up the marketplace on May 1. Oh, I'm sorry; I hadn't realized what a bargain this was.

I want to ask you this, Minister: last time I checked, you had a lot of people working over there at the Ministry of Energy, and I understand you struck a real bargain at \$25,000. But I'm wondering why the people who are already on the public payroll aren't out to fix this. Second, you didn't answer my first question: why wasn't this done before the marketplace was opened?

**Hon Mr Baird:** I was pleased that the member opposite remembered that he had to put a question into that. We did undertake some comprehensive reform with respect to electricity, recognizing that the former Ontario Hydro was the Titanic of utilities and an iceberg was in sight, that we couldn't sit back and watch debt continue to accumulate to the tune of \$38 billion.

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With respect to the efficiencies at the Ministry of Energy, it is a group of people made up of extraordinary public servants who do an outstanding job for the people

of Ontario. We have one deputy, one assistant deputy minister and just two directors. It's a small, lean machine, but I think it does a phenomenal job for the people of Ontario. That's why we wanted someone who could bring a fresh perspective to the table to look at these charges.

I was pleased that the member opposite attended the press conference and said he was supportive of the process.

**Mr Bryant:** Nice try. We have been calling for the cleanup of these bills for some time.

Not only did you announce this \$25,000 consultant to clean up bills that you should have cleaned up before May, you also announced that you were going to spend \$1 million on an ad blitz—\$1 million. So not only have you shipwrecked the electricity system, not only are there enormous incompetence costs for what the government has done, but you are now going to spend \$1 million of Ontarians' money to spin you out of political perdition.

My question for you is, why on earth are you spending Ontarians' money to clean up the mess that you created in the first place?

**Hon Mr Baird:** This was a figure that we had released more than two weeks ago, so it won't come as a surprise to many. We feel we have a responsibility. There were a whole lot of working families throughout Ontario, struggling small business people and farm operators who were concerned about the bill on the kitchen table and who were also tremendously concerned with respect to what the future held. I think we have an important responsibility in government to report back to the people we serve and to let them know of the initiatives that the government is presenting for consideration. In doing that, we want to ensure that the people of Ontario are fully aware that their government is taking action to deal with a significant public policy concern in the province.

## CONFERENCE FACILITIES

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Chair of Management Board. Minister, across the street in the Macdonald Block there are more than 20 conference rooms available for use by your ministries. Oftentimes, those rooms sit empty. It turns out that they're empty because your government is spending millions of tax dollars on expensive hotel meeting rooms instead. Public accounts documents show that last year you spent \$4.2 million on expensive hotel conference rooms. In fact, while publicly owned conference rooms sat empty, you spent \$80,000 at the Sutton Place Hotel, just across the street. You also spent \$800,000 at the Delta Chelsea, just a few short blocks away.

Can you explain today how it is that your government, a government that has preached restraint on so many others, has been able to find \$4.2 million in the last year for conference rooms while our own conference rooms have sat empty many days?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** First of



all, I think the individual questions should be addressed to individual ministers. But let's take a look at past records as well. I don't question the fact that things need to be tightened up in many areas, but let's set the record straight here. For example, this is from the public accounts, 1989—

*Interjections.*

**Hon Mr Tsubouchi:** No, I want to just compare things, if I can. In fact, in 1989, the public accounts set the bar, so to speak. Let's just take a look at the Minister of Labour. Let's look at 1987-88 for another year. In 1987-88, the Ministry of Labour spent \$35,059 at the Witness Box Restaurant and Tavern, which sets up a kind of pattern because in 1988-89, the Ministry of Labour spent \$38,367 at the Witness Box Restaurant and Tavern. Of course, in the year 1986-87—once again, a Liberal government—they spent \$107,192 at the Inn on the Park.

There must have been—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up. Supplementary?

**Mr Duncan:** In fact, Minister, your government spent four times more than any previous government in the history of this province. Your government spent four times more. In fact, it was your ex-Premier who criticized former governments, and within a few short years he quadrupled those expenditures.

Last year the Ministry of Education, while it was telling Toronto schoolchildren they had less money for their classes, spent \$150,000 at the Delta Chelsea. Last year, while seniors were expected to go with one bath a week in nursing homes, the Ministry of Health spent \$500,000 on expensive conference rooms. Double-cohort kids are being packed three to one into dorms, but the Ministry of Training, Colleges and Universities spent \$350,000 on luxury hotel conference rooms like the White Oaks conference room. In fact, your government, which preaches restraint, spent four times more than any previous government on outside hotel conference rooms.

How can you justify those types of increases—four times what any previous government spent on the same thing? How can you justify that in the context of your rhetoric about restraint that you've imposed on so many others?

**Hon Mr Tsubouchi:** Unless the member across is totally blind, he would understand that these conference rooms are being used not simply by the government but by many organizations, as they were under your government and the NDP government. These are offered to many non-profit organizations and many good organizations that come and utilize these meeting rooms. You can't fail to walk by and see them being utilized all the time. Let's be fair about this. This practice is no different than under your government—I'm not saying it's good.

Now let's talk again about apples to apples. Here's another ministry—I guess this was the consumer ministry. They used the Sutton Place Hotel in 1988-89, for a total of \$54,000, 1987-88; \$47,000, 1989-90; \$44,000; and the Four Seasons Hotel, \$86,517. Let's deal with the consumer ministry.

I've got a huge list of these things—public accounts, clearly available.

*Interjections.*

**Hon Mr Tsubouchi:** Don't tell me how to do things. You guys have no idea yourselves

**The Speaker:** I'm afraid the minister's time is up. Final supplementary.

**Mr Duncan:** Your government spent \$4 million to \$1 million by the next closest government in the history of this province, four to one—your government, under your watch. Today, for instance, you have 22 conference rooms over there. Fourteen of them, 63%, were sitting empty this morning. When shelters for the homeless were overcrowded, the minister responsible said, "This isn't the Holiday Inn," and then she turned around and spent \$104,000 on the Holiday Inn for various officials.

We also learn now that the Rozanski report on your flawed funding formula will be released next week. Where are they doing it? Are they doing it across the street? No. Are they doing it in the building? No. They're doing the lock-up at the Metro Toronto Convention Centre. How can you justify these kinds of expenses when your government has spent four times more—\$4 million to \$1 million—than any other government in the history of this province, all the while practising restraint?

**Hon Mr Tsubouchi:** It's a curious thing that the member across is talking about. It's my understanding that this particular member worked for the Liberal Ministry of Labour under David Peterson. Let's talk about the Ministry of Labour while you were there, sir: 1986-87, \$107,192, Inn on the Park; 1987-88, \$35,059, Witness Box Restaurant and Tavern; 1988-89, \$38,367, Witness Box Restaurant and Tavern; 1988-89, \$119,489, Holiday Inn; 1989-90, \$79,588, Holiday Inn.

Sir, you were at the Ministry of Labour. Come on; give me a break.

## PRIVATE HEALTH CARE SERVICES

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. I see from reading this week-end's newspapers that you have jumped on the private health care bandwagon. You've indicated you're going to continue with your plans for private MRIs, private CT scans, more private home care and privately built hospitals.

On Thursday, I asked your Minister of Health if he could produce one study, one shred of evidence that shows that bringing profit-takers into the health care system saves lives or saves money. He couldn't produce a study—not one study. So I ask, do you have an answer? Can you show the people of Ontario one shred of evidence that proves that adding profit-takers to the health care system will save lives or money in the health care system?

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**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** Surely the leader of the third party knows there are literally hundreds, if not thousands, of

procedures that are administered by the private sector under the auspices of the public health care system in this province every day. Kidney dialysis, blood tests and all kinds of things are done by the private sector through the publicly administered, universally accessible health care system in the province of Ontario.

Anne McLellan, the federal Minister of Health, acknowledged that over the weekend. She is not suggesting, and she believes that Mr Romanow is not suggesting for one moment, that the 35% to 40% of the dollars that are private sector dollars in the health care system today be removed. If we did, the health care system not only in the province of Ontario but virtually in every province across this country would come to a grinding halt.

We on this side of the House happen to agree with the five basic principles of the Romanow report, because we are already practising them here in the province of Ontario, unlike some other jurisdictions in this country.

**Mr Hampton:** We're well aware that your government is trying to move more and more of the health care services into private or profit-driven clinics. That's not the issue. We can see that evidence. I'm asking you, can you produce a study for the people of Ontario, one shred of evidence, that says this saves money in the health care system or that it saves lives?

The Romanow report is very clear on cost. They say their studies show that public-private partnerships cost more. On patient care: "a comprehensive analysis of the various studies ... concluded that for-profit hospitals had a significant increase in the risk of death."

Premier, that's the evidence that the Romanow commission uncovered. Do you have any evidence whatsoever to show the people of Ontario that dragging in more profit-takers, more private clinics, is going to save any money or save lives? The Romanow commission says there isn't any. Do you have some?

**Hon Mr Eves:** The leader of the third party wants to talk about studies. We want to talk about actual results and what's going on in the real world out there every day, not just in the province of Ontario but across this country.

I have personally talked to Mr Romanow four times during the course of his deliberations, many times at length. He has indicated to me personally that nothing in the province of Ontario is offside with respect to the Canada Health Act or delivery of services under a universally accessible, publicly administered health care system in the province.

Indeed, in the province of Saskatchewan, where Mr Romanow was of course the NDP Premier of that province and where it is said that health care as we know it in Canada today was born, there are many private clinics operating in the same way they do here under the publicly administered, universally accessible health care system. Surely you're not suggesting that all those be closed.

**Mr Hampton:** What I'm suggesting is what Mr Romanow says. For example, on page 64 of his report, he

says very clearly that, for example, private MRIs are totally out of whack when you look at the Canada Health Act and what's happening to patients. He's saying in his report that MRIs, CAT scans, should be brought within the public health care system and that if governments like your government want to promote private MRIs, then you should lose some of the federal funding.

Premier, you're the one who said you wanted to bring discipline to hydro by moving to the private sector. Well, you did that with Hydro One, and what did we see? Hydro ratepayers paying for yachts and Eleanor Clitheroe's expensive lifestyle. Can you tell the people of Ontario how moving to more and more private, for-profit health care is going to provide discipline, is going to save money and lives? Romanow doesn't think so.

**Hon Mr Eves:** First of all, the very facilities that the leader of the third party is talking about are administered under the auspices of the Canada Health Act. They are administered by OHIP, the publicly administered health care system in the province of Ontario. There are literally tens, dozens, maybe hundreds and thousands of private clinics, private diagnostic and treatment procedures such as kidney dialysis provided by the private sector under the auspices of the public health care system.

When David Peterson's government was in vogue, they introduced six MRIs into the province of Ontario. When your government, Bob Rae's government, was in vogue, you introduced six in five years as well. We have now introduced over 40, soon to be 47, MRIs in the health care system in the province of Ontario. That means more access for more people, who get quicker treatment and reduced waiting lists. There is no queue-jumping allowed. It is going to be administered under the publicly administered health care system in the province of Ontario, as it is in virtually every province across this country. Nothing is offside, according to Mr Romanow himself.

## HYDRO DEREGULATION

**Mr Howard Hampton (Kenora-Rainy River):** To the Premier again: I take it the Premier still can't find the study showing that it saves money or lives.

We've been reading the details of your latest hydro legislation and we've discovered that it provides for increases to people's hydro bills through something called rate riders. We found that one rate rider will be to add to people's hydro bills the \$500-million cost of implementing hydro deregulation. Why didn't you tell the hydro consumers of Ontario that just implementing hydro deregulation would add another \$500 million to their hydro bills?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The Minister of Energy will be able to respond.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I listened with great interest to the leader of the third party's comments on Friday. With respect to the issue he raises, there's



nothing new in the legislation. In fact, all local distribution companies and market participants had to make expenditures for new technology with respect to the market opening. That's still information technology that they require to operate in the future. They have to, in the future, before we presented Bill 10 to this Legislature, make application to the Ontario Energy Board to have those costs first assessed and then how they would be applied in the future. The legislation does nothing to intervene or change that process, beyond saying that this government has responded to the real concerns of working families and small business people to cap hydro rates until the spring of 2006.

**Mr Hampton:** I think I know why the Premier didn't want to answer the question. The Premier was the Minister of Finance in 1998, and nowhere in 1998 or 1999 did the Premier, as then Minister of Finance, tell the people of Ontario that just to implement hydro de-regulation was going to add \$500 million in costs to the hydro bill. Premier, why didn't you tell people that? Why didn't you tell them that just to implement hydro de-regulation was going to add another \$500 million to the hydro bill? Were you worried that they might then say, "Obviously, this is a bad thing. Don't do it"? Why didn't you tell them then, when you knew it was going to cost at least \$500 million?

**Hon Mr Baird:** It's self-evident that when you moved from an old system that was racking up \$38 billion in debt to the people of the province of Ontario, it would require some effort to try to turn things around.

I don't know why the leader of the third party didn't campaign, when he ran in 1990, saying, "My name is Howard Hampton and I want to raise hydro debt by \$3 billion." When they presented successive budgets in this province of more than \$10-billion deficits, why didn't they look at every child in this province and say, "You're going to be paying tens of billions of dollars in interest on these budgets"? The member opposite is not one to lecture anyone in the province of Ontario on fiscal accountability and responsibility.

We recognize that the old system that had racked up debts of \$10,000 per household in this province was unsustainable. We recognize that it's immoral to ask a new child born this morning in the province to pay \$3,000 in debt and interest with respect to hydro debt. That's why we had to change things. Our government has the courage to do that.

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## MINISTERS' EXPENSES

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Premier. Last week, the Chair of Management Board, in referring to Bill 216 with respect to ministerial and leaders of the opposition expenses, said you had crafted expense legislation very carefully. That means it was either incompetence or intention that left Mike Harris's and Cam Jackson's expenses exempted from the bill.

Can you tell the House today why, under the ministers' and former ministers' expenses, Mike Harris's and Cam Jackson's expenses will not be subject to mandatory review by the Integrity Commissioner? And can you tell me why their expenses will not be released to the public under this proposed legislation?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** First of all, the honourable member surely knows, if anybody knows, being a member of the Liberal Party, that Mike Harris's expenses have been FOIed 12 times, and he certainly was an active participant, or his party was, with respect to some of those FOI requests. Similarly, Minister Jackson's expenses have been FOI'd and they have been there for everybody to see, as indeed have former Premier Harris's. So there is no contradiction. Those things are open and they are still FOI-able, as we go forward, under the freedom of information act. All the FOIs that are outstanding will be tabled tomorrow.

**Mr Duncan:** Premier, you're no doubt aware that the FOI process is expensive, slow and subject to manipulation. For instance, in the answer to my earlier question, the Chair of Management Board said that I worked for the Ministry of Labour in 1988 and 1989, which was wrong. I wasn't at Queen's Park.

Presumably you brought in the legislation to deal with that. So you have a mammoth review that's going on, not subject to review. You're making other people's expenses and staffs retroactive. Why weren't Mike Harris's and Cam Jackson's? You should amend the bill and demand that all former cabinet ministers and parliamentary assistants since 1995 release their expenses to the Integrity Commissioner. You should amend it so they'll be made public and reviewable, and if in fact they weren't allowable, they should be repaid. Why would you do that to Bob Rae, Lynn McLeod and others and not make your own ministers and parliamentary assistants subject to those provisions?

**Hon Mr Eves:** Who are the others he's talking about, other than Bob Rae and Lynn McLeod and of course his own leader and the current leader of the third party? I presume, silly me, that when the opposition members stand up every day in this House and ask about expenses of current and former cabinet ministers—all of which are FOI-able, all of which are obtainable under freedom of information—surely they want to hold themselves to the same standard that they expect of cabinet ministers and parliamentary assistants on this side of the House. I look forward to reviewing the expenses, not only of the leader of the opposition and the leader of the third party, but every single one of his 47 staff for the last seven years.

## NORTHERN ROADS IMPROVEMENT

**Mr John O'Toole (Durham):** My question is to the Minister of Northern Development and Mines. You announced on Saturday night that the government was increasing the budget for northern highways. I know your ongoing commitment to the north, I understand and

respect that dedication and commitment, but I only hope the member from Sudbury hears this response today from home.

**Hon Jim Wilson (Minister of Northern Development and Mines):** Our government is committed to ensuring safe and efficient highways in northern Ontario. As a catalyst for growth and development and the creation of jobs, earlier this year we announced a budget of \$255 million, which was a record at that time for northern Ontario highways for this fiscal year. On Saturday night, in conjunction with the Minister of Transportation, I announced an additional allocation of \$11 million to cover highway improvements in the north-eastern part of the province. This additional funding is allowing for repairs to Highway 11 near Gravenhurst, Highways 652 and 668 near Cochrane, Highway 101 near Timmins, Highways 17, 535 and 144 near Sudbury and Highways 518 and 520 near Parry Sound, among others.

This past September, I also announced an additional \$5 million for highway improvements in northwestern Ontario, including \$3 million to cover emergency repairs in the Rainy River and Kenora districts following flooding.

This brings our highway allocation this year in northern Ontario to a record \$271 million, or \$1.6 billion over that since 1995.

**Mr O'Toole:** That's absolutely amazing—\$1.6 billion. That commitment should not go unnoticed. I understand and appreciate, Minister, the ongoing commitment of you and your ministry to put the interests of the north first in your mind and in your heart. I understand also that there is funding for repairs to local roads, Carling township and the archipelago. Is this funding also part of the highway budget you just discussed with the House today?

**Hon Mr Wilson:** Also on Saturday night in Parry Sound we were able to announce additional funding for local roads in Archipelago and Carling townships. This money comes through the northern Ontario heritage fund and is in addition to the money provided by the Ministry of Transportation.

*Interjection.*

**Hon Mr Wilson:** I can hear that.

One hundred thousand dollars will go to help upgrade four roads at the south end of Archipelago township. The work involves repairs and resurfacing of nine kilometres on Kapiokog Lake Road, Crane Lake Road and Agaming Road.

Carling township will receive \$200,000 to upgrade Snug Harbour Road and Dillon Road, two heavily travelled township roads. Normally the province wouldn't be involved in the rehabilitation of these roads, except through the heritage fund, but these are high-volume tourist roads. They help create a lot of jobs in these townships and in this northeastern part of northern Ontario. We're very proud that the northern Ontario heritage fund and our northern members, Mr Miller and Mr McDonald, we were able to participate in this deci-

sion in helping out the townships and helping the flow of tourist traffic in that area.

## ANAESTHETISTS

**Mrs Sandra Pupatello (Windsor West):** My question is for the Minister of Health. Yesterday we learned that yet again your government is forcing the closure of four more operating rooms in downtown Toronto through the university network of hospitals. They're being forced to close their operating room doors because they don't have enough anaesthetists. You've known about this for over a year, and you've done nothing about it. Can you tell us today what your plan is to solve yet one more crisis in the health system?

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me first congratulate the honourable member for injecting herself into discussions and bargaining over pay, because that's exactly what she's done. There's a pay issue. There's a set of negotiations. We're in the midst of negotiations. Congratulations. You've fallen for it. You're now a party to the negotiations.

**Mrs Pupatello:** Minister, I don't think the people who are waiting even longer for cancer surgery care one bit about your smart-alecky responses in this House. What we demand to know right now is why one year ago you were made aware of the problem and didn't address it. What we think is a serious problem is that cancer surgeries are going to wait yet again. Are you telling me that after one year you still haven't managed to insert yourself into a situation and find a solution?

**Hon Mr Clement:** The fact of the matter is, if she paid attention to Premier Eves's IMG announcement a couple of weeks ago, she would understand that we have in fact extended the availability of physician extenders to take the pressure off anaesthesiology. We are concerned about this, and we are acting.

But the fact of the matter is that in this particular case, there is an issue about negotiations for pay. If the honourable member wants to discuss negotiations for pay on the floor of the Legislature, be my guest, but I'm not going to be a party to it.

How would you pay for it? That's what I'd like to ask you. Maybe you'll pay for it out of the \$2-billion tax hike that Dalton McGuinty has promised and that he's spent six times over since this House came back into session. Maybe that's how she's going to pay for it. I for one am not going to be a party to this. I'm going to negotiate responsibly on behalf of the people of Ontario. That's what we on this side of the House were elected to do, and we're going to do it.

## SITE OF EARLY PARLIAMENT

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the Minister of Culture. We know that protecting provincial heritage is a priority of this government. In fact, I understand you recently held a round-table discussion with a broad range of your heritage



stakeholders to address their priority issues and how your ministry can help to address them. At that meeting, I understand you also announced your intention to hold public consultations, commencing this month, to explore potential revisions to the Heritage Act.

Speaking of heritage issues, I understand that the city of Toronto and the province have been working in partnership to discuss possible options to acquire the site of the first Parliament for the people of Ontario. I'm wondering if you could tell this House about the historical and cultural importance of the first Parliament site.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I'll use my hat as the Minister of Culture to answer that.

Yes, we did have a round-table discussion with many representatives from the heritage community. I was pleased to be joined by Julia Munro, my parliamentary assistant; Allan Gottlieb, the chair of the Ontario Heritage Foundation; and Jill Taylor, the chair of the Conservation Review Board. We had a wonderful discussion, but the question really dealt more with the site of the first Parliament.

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The first Toronto Parliament site is one of those sites that is not only locally important and significant but certainly provincially significant and probably nationally significant as well. I give credit to the city of Toronto for taking the lead on this. We are working diligently with the city of Toronto currently. It's one of those sites that you have one opportunity in a lifetime to save. It's important to us. We are working very closely with the city of Toronto. We have a number of options on the table right now, and I'm very confident that we're going to be able to come to a good resolution as a result of this.

**Ms Mushinski:** Minister, I understand that there has been some concern with the December 1 deadline that the OMB imposed surrounding the issuance of a building permit for a proposed car dealership on the site that covers the first Parliament site. Artifacts and structural remains dating to the late 18th and early 19th centuries were discovered back in November 2002, and cumulative evidence from the archaeological excavations and archival research supports the conclusion that these remains are indeed from the first Parliament building of Upper Canada—Ontario.

We know that a find like this doesn't come along very often, and I can certainly understand that the Ontario Municipal Board's decision allowing the property owner to apply for a building permit from the city of Toronto planning department would bring about a great deal of concern to the heritage community.

Minister, I understand that, effective December 1, the property owner may apply for a building permit. Today being December 2, I'm wondering if you could tell this House exactly what this means for the preservation of this most important piece of our history.

**Hon Mr Tsubouchi:** First I'd like to acknowledge some of the folks who have been working with us very closely: the director of culture, Rita Davies, from the city

of Toronto; the deputy mayor, Case Ootes, has met with me on this; and I credit Councillor Kyle Rae for some leadership in the area as well.

We're less concerned right now in terms of the drop-dead day, which is no longer such a thing, because we've been having some very positive progress in terms of negotiations with the owners. The owners have voluntarily extended the date. They know we're at the table, and they know that we have had some very fruitful discussions. I've all the confidence in the world, with the co-operation of the city of Toronto—because this is a very complex situation. There are several owners here. There's the city of Toronto at the table; there is ourselves. I've heard support from both my side of the House and the opposite side of the House for this particular initiative. Once again, I'm very confident that with a little work, and I think we're doing that right now, we'll come to a good conclusion for not only the people of the city of Toronto but the people of this province as well.

## SOCIAL ASSISTANCE

**Mr Tony Martin (Sault Ste Marie):** My question is for the Premier. Your government's welfare policies are the prime focus of the inquest into Kimberley Rogers's death. Your Ministry of Community, Family and Children's Services should have standing at the inquest so that you can ask questions and learn from the mistakes.

Premier, why has the Ministry of Community, Family and Children's Services not chosen to seek standing, when it's this ministry that needs to be there the most?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** Mr Speaker, I'm sure the minister can respond.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** My colleague across the way will know that in any matter before the courts, it's inappropriate that we speak about any particular case.

We in our ministry have made it very clear that we are willing to co-operate in any situation where information is required by the courts or by the police in any case. We have said that in the past and will continue to honour that commitment.

With regard to welfare, we have made a number of changes in the welfare system. It has been entirely transformed under our government as an employment and supports opportunity that has been referenced to me personally by at least one person as being transformed into opportunities galore.

**Mr Martin:** Premier, a pregnant woman died living under the stifling effects of your welfare policies. You locked her up and took away her money and her food. Since then, instead of cutting people off for three months, you now cut them off for life. You not only lock the door, you throw away the key. You shouldn't be an absentee landlord at your own hearings, Premier, just as you shouldn't have policies that lead to the loss of life.

Will you raise social assistance rates to cover the minimum costs of living? At the very least, will you end your government's inhumane lifetime ban?

**Hon Mrs Elliott:** My colleague must understand—surely he understands, having been in this House for some time, that it's completely inappropriate that we speak about any individual case. More to the point, there is a very serious court case underway. There are people who are going to make decisions, and it's entirely inappropriate that we would, here in this place, prejudge decisions that would be made. I think he understands that, and certainly if he doesn't, he should, having been in this place for some time.

### HAZARDOUS WASTE

**Ms Caroline Di Cocco (Sarnia-Lambton):** My question is to the Minister of the Environment. After many requests, and when questioned about lax regulations on the Safety-Kleen Clean Harbors site, you have responded that the site has a full-time on-site inspector. The site manager last week in fact said there is no on-site, full-time inspector for the largest hazardous landfill in the country. What he said was that someone shows up from time to time.

You also claim that hazardous waste imports have gone down by 31% since 1999, but what you selectively forget is that the hazardous waste imports from 1995 to 1999 have gone up by 500%. So we're still a lot higher.

My question to you is, why do you treat this site with less monitoring than non-hazardous sites, and how do you justify to the people of Ontario making Ontario the toxic waste haven for the continent of North America?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** "They show up from time to time." I appreciate that's one way of phrasing the term of inspections, but showing up from time to time we call random inspections. Why they're called "random" is because they show up without notice, by surprise, and they show up there and ensure that the inspection takes place.

I understand you want to call it a—

*Interjection.*

**Hon Mr Stockwell:** They just show up from time to time.

It was an idea that I think everyone buys into, the fact that you have random inspections by surprise, and that they will go about inspecting the site on a regular basis.

I can only say to the member opposite, a 31% reduction over two years is a very significant reduction in importing of the hazardous waste. We're harmonizing with the American border communities. We've reduced it by 31%. We have random inspections that weren't there before. I think that's a fairly good record.

**Ms Di Cocco:** We still have 469% higher importation since 1995. Second, you and the former minister said that we had a full-time inspector on that site—"full-time, on-site inspector" is what you told me.

While other jurisdictions, such as Massachusetts, have taken steps to reduce and prevent the generation of waste, Ontario is not there. While other jurisdictions have strict treatment measures and leachate catchment—not here in Ontario. While other jurisdictions have rules for liabilities—not here in Ontario. While other jurisdictions are moving forward to treatment and disposing on-site, therefore making landfills extinct—no, not here in Ontario; we want to bring more and more toxic waste into our landfills. Since 1995 Ontario has regressed 10 to 20 years from other jurisdictions in the developed world.

My question to the minister is, why do you continue to turn a blind eye to this degradation caused by this province's hazardous waste disposal practice?

**Hon Mr Stockwell:** I don't think that's a fair analogy of the situation at all. I honestly believe the member opposite has paraphrased this in certain ways that obviously, being in opposition, is designed to cast light on the government that we are not concerned.

The fact of the matter is that we have reduced it by 31%. We have harmonized our process with neighbouring jurisdictions. We've worked very hard to ensure there's going to be a pre-treatment process before it's dealt with.

You suggest that we import more than we export. We import 74,000 tonnes of hazardous waste; we export 76,000 tonnes of hazardous waste.

This place has been open since the 1960s. So of the last three administrations to deal with this particular problem that you've come to find in the last couple of years, the Liberals did nothing, the NDP did nothing and we're doing everything to protect the environment. You shouldn't be criticizing us. You should be having a parade in Sarnia for this government.

1450

### MEDICAL AND RELATED SCIENCES DISCOVERY DISTRICT

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I have a question for the Associate Minister of Municipal Affairs and Housing responsible for rural affairs. Minister, as you know, I proudly represent the people of Haldimand-Norfolk-Brant. Many of my constituents make their living either from farming or from an agriculture-related business. Agriculture is second only to the automotive industry in Ontario, creating more than \$25 billion in sales annually and employing hundreds of thousands of good people across our rich province.

Minister, given the importance of agriculture to rural Ontario, and of course all of the outstanding work that our Ministry of Agriculture and Food is doing for our farmers, can you tell this House what you're doing as minister responsible for rural affairs to help create a healthy economic climate for Ontario's agribusiness?

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** I thank the honourable member from Haldimand-Norfolk-Brant for his question. His constituents are well served by this hard-working, competent MPP.



I'm proud to announce that recently Guelph became linked with Toronto in a project that will have major economic benefits for rural Ontario. This link was made possible by provincial funding of about \$2.9 million through our government's OSTAR RED program to make sure that rural and small-town Ontario have the tools and resources needed to develop research into commercial products.

The Medical and Related Sciences Discovery District in Toronto, or MARS as it's known, is establishing links between business, academia, government and the agri-food business cluster in Guelph. With MARS in Toronto, this will offer its knowledge and expertise of the medical and related science fields to enable Guelph to maximize and capitalize on that to promote new technologies and commercialization of made-in-Ontario academic research.

**Mr Barrett:** This MARS Landing project in Guelph sounds like it's got great potential for rural Ontario. I would like the minister to expand a bit on the project and, secondly, on how it will turn some of that potential into results.

**Hon Mr Coburn:** This project is a powerful example of how our government is bringing the public and private sectors together to forge new working relationships, to take advantage and capitalize on new and innovative opportunities and technologies to promote strong economic growth and leadership in our communities.

Rural Ontario biotechnology sector businesses and researchers will have vastly greater access to information and commercialization opportunities under this project in a variety of communities—certainly in Toronto, Guelph, Hamilton, Ottawa. This helps develop a database that will also be able to link Ontario's scientific expertise and equipment capabilities to maximize those scientific discoveries.

The private sector certainly has put their nickel in the drum and provided about \$3 million in funding for this project as well.

All of the project partners are exceptionally excited, as we are, about the future and because of the opportunities that will be made available from this research in rural and small-town Ontario and that will benefit all of us here in Ontario in the future.

#### AIDS TREATMENT

**Mr George Smitherman (Toronto Centre-Rosedale):** My question is to the Minister of Health. On Saturday night at an event for Black CAP, the Black Coalition for AIDS Prevention, I had the opportunity to have a conversation with Dr Stanley Read, who is a noted pediatrician at Sick Children's Hospital who works in immunodeficiency, specifically with children who are born with HIV. There are 120 patients at the Sick Children's Hospital who require three vaccines that ward off opportunistic infections that can kill them. Your ministry refuses to fund those, Mr Minister, and Sick Children's Hospital has been forced to seek out donations of these vaccines, unsuccessfully in many cases, from pharmaceutical com-

panies. I'm wondering if you could investigate this and make a commitment to the House that if these conditions are as I presented them, if you can confirm that these facts are as I presented them, you will begin to fund them.

**Hon Tony Clement (Minister of Health and Long-Term Care):** Let me thank the honourable member for Toronto Centre-Rosedale for the question. Certainly I would undertake to this chamber and to him personally to review the situation.

If I can say, just by way of explanation to this chamber, sometimes the issue involved is that we do not make available certain medications if they don't have a notice of compliance from Health Canada for clinical safety reasons. So I'll be checking that aspect of it as well, and perhaps the honourable member might have some contacts up in Ottawa that might shed some light on that aspect of the issue, if in fact that is an issue. But you certainly have my undertaking that I will review the situation.

**Mr Smitherman:** Thank you, Mr Minister. I'm always happy to help. Let that be noted.

I want to make very clear, for the purposes of this House, that we've had very good success in this province at prenatal screening, which tries to make sure that the disease is not passed on. While we should all share in the benefits associated with that, it's clear that some kids are slipping through. Diseases, things like the flu, that might be a hardship to us for a week or two can steal and rob kids of their lives.

So to press upon you the importance of dealing with this in a timely fashion, I'm wondering if in your supplementary you might give me some sense, if those issues in Ottawa are not at play, if there are not concerns around that, what kind of time frame it would be appropriate to expect you to confirm that you'll begin funding these vaccines.

**Hon Mr Clement:** I certainly undertake to work with the honourable member to review the situation. I think that's about as far as I can go in all good conscience without knowing a few more of the facts.

But I would at this time like to invite the honourable member, and indeed all honourable members of this chamber, if they have any particular thoughts about our AIDS strategy—after returning from the international AIDS conference, I became aware that our AIDS strategy, while it was groundbreaking at the time, perhaps has to be in some way innovated to make sure that it is dealing with the current issues as they now stand in this particular area of medicine and clinical practice. So I invite the honourable member directly, and I invite all members of this chamber, to assist me in the innovation and the improvement of the Ontario AIDS strategy so we can continue to be a world leader in this area.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr Rob Sampson (Mississauga Centre):** My question is to the Minister of Labour. In many of the urban sections of this province, if you drive around or if you

talk to those who are in the building and construction industry, they will tell you that in spite of the downturn in the economy of late the building and construction industry has remained relatively stable and busy, which is good news because that's a large slug of the economic activity in this province.

But attached to that good news is a related issue that I believe your ministry needs to draw its attention to, and that is, if indeed there is increased activity on construction sites throughout the province of Ontario, how are you as a minister and how is your ministry dealing with the fact that that necessarily means an influx in more newly trained skilled trades to those sites? And how are you as a minister and how is your ministry dealing with making sure that those sites continue to remain safe and secure sites to work for these newly trained individuals who are now getting an earned income but a new one at that?

*Interjection.*

**Hon Brad Clark (Minister of Labour):** I thank the member for Hamilton East for cheering me on as I stood up there.

Our government is committed to enforcing occupational and health and safety legislation in all work places, including construction sites, and in Ontario our construction sites are the busiest around the province. Since 1995, Ministry of Labour construction inspections have increased dramatically. Inspections are up 25%, field visits are up 27% and, because of our inspections strategy, orders have been increased by 128%. As a result, the lost-time injury rate has decreased, from 2.06% in 1995 to 1.73% in 2001. Clearly, working with our partners and having the enforcement in place, we are making the construction industry the safest in Canada.

1500

**Mr Sampson:** I understand that there's something called the Construction Safety Association of Ontario and that your ministry works closely with that association to achieve the target of making sure workplaces are safe and secure in the province of Ontario.

Perhaps when you stand on your feet next you can tell us a bit about how you do work with the Construction Safety Association of Ontario and how we, as a province, now compare, as it relates to other provinces across the country, in the category of safe work sites. Is there a way to measure that? Is there a way to measure, frankly, all your efforts in achieving a safe site? Are we above or below a standard? I think the people of the province of Ontario would like to know that you have some standard by which to measure your success.

**Hon Mr Clark:** Ontario accounts for 42% of Canada's construction workers. At the same time, the Construction Safety Association of Ontario's own statistics show that Ontario leads the rest of Canada in construction health and safety. This province's lost-time injury rate is 1.73%. That's about half the national average of 3.7%. The Construction Safety Association of Ontario's statistics also indicate that 90% of Ontario's construction firms had perfect health and safety records in the year 2000.

Because so many construction companies are doing so well, the Ministry of Labour is now able to focus on the bad performers, the ones that aren't up to snuff, so to speak. These improvements in the construction sector have been achieved, in part, through targeted enforcement by Ministry of Labour inspectors. We will continue targeted inspections on those that are not living up to what we would like to see in Ontario, and that's a safe work site.

#### SITE OF EARLY PARLIAMENT

**Mr Michael Prue (Beaches-East York):** My question is for the Chairman of Management Board. Mr Minister, on October 17, I stood here in this House and asked you a question about the first Parliament buildings. At the time you answered the question; you gave me a little bit of pause for hope. I listened today to the question from the member for Scarborough Centre, and again, there's a little bit of a pause for hope.

But my question to you is not just to have some hope. Quite frankly, my question to you is, will you direct that this site be purchased to save this province's greatest archaeological treasure? Will you act today to make sure it doesn't end up buried under a car dealership?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** If the member was listening, purchasing it is not the only option here. They're very complex negotiations. He should know, as a former mayor, as a former municipal councillor, that land transactions are a little bit complex at times. He's nodding his head in agreement here as well.

We're at the table. We have a lot of confidence that we can come to a resolution. Our team knows that I think it's very significant for us to come to a good conclusion on this, and I've given them instructions to do as much as they can to make sure this occurs. I don't know how much more I can say to you right now. We're in the middle of negotiations. The city of Toronto is co-operating 100%. We're working very closely with them.

You can see the deadline has passed. The owners have increased the deadline and let it pass because they know we're having very significant negotiations. I think that at the end of the day, all of us are going to be very happy.

**Mr Prue:** I'm hoping that at the end of the day we'll all be very happy too. But the people within the city of Toronto and the heritage community are getting very nervous because the deadline has come and passed. Granted, there has been an extension, and we're thankful for that.

There is a possibility here of a land swap—we've read about that in the newspapers—both the city and the province, but there have been no discussions to date.

An outright purchase, I would put to you, is a better option. Will you commit today that you will preserve our history, either by a land swap or an outright purchase, so that our culture, our history, our heritage, is preserved in this province?



**Hon Mr Tsubouchi:** The member says that the heritage community is fairly nervous right now. I will tell him this: last week Julia Munro and myself met with representatives of most of the parts of the heritage community. Many people were there, including people from the city of Toronto. In fact, the city of Toronto was at the table when we were talking about this specific issue. Included as well were the Ontario Heritage Foundation and the Conservation Review Board, very significant players in the heritage community. Museums were there as well. We had almost every representative of almost every significant organization in the province there when I discussed this issue. When they left the room, they were quite pleased with the direction we're taking. They understand we're having very substantial negotiations. The city of Toronto was represented there as well. They're part of this discussion. So, with all due respect, I think we need to let these discussions, these negotiations, occur without taking any precipitous actions. They have my instructions already. They know I'm very interested in this. I want to have this resolved favourably for the people of Ontario. I don't know what more I can say today, but I'll tell you right now that this is important for all of us here.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr John Gerretsen (Kingston and the Islands):** My question is addressed to the Chair of Management Board, and once again it relates to the OHIP building in Kingston. Minister, as you know, over 100 employees walked off the job, walked out of the building on Friday because they regard the building as being totally unsafe. Today, another 25 workers have joined them. The problem with respect to this building has been ongoing almost from the beginning. You and I know that we require not only air-quality testing but also that the GeoCor report, which was done for the union and was made public about two weeks ago, specifically recommends that there be soil testing done both inside and outside the building so we can find out whether or not the toxins that are alleged to be in the building come up through the foundation.

Minister, would you please instruct whoever is negotiating on your behalf to get together with the union and, in an open and completely frank process, determine which is the best engineering firm to do both of those tests, let those tests begin as quickly as possible and let the results of those tests be known to the people involved as quickly as possible? The safety of our government workers and of the people who utilize the buildings is at risk. We're asking you to get directly involved in this so this issue can be resolved once and for all, and the safety—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I agree with a lot of what the member is saying; I think his presumptions are incorrect. The preliminary report by that particular company actually had a proviso on it to in-

dicate that it was a preliminary piece of advice and not to make too much of it; it was preliminary. Having said that, I think it's very important—the instructions I've given are to make sure the union and the many government ministries involved get together and pick a consultant that's acceptable to both. If we can't do that, I think the situation is urgent enough for us to press on to protect our employees. I've also told them that it matters not if it's air quality or soil quality; the situation has to be corrected, whatever it's found to be. So I've given them a very clear instruction. We have to make sure the environment is safe for our employees. If at the end of the day the report comes out and says, "Yes, we have to do soil testing; yes, we have to fix it," I think we have to do it. It's not that complex. We have to have a situation that's safe for our employees; that's it.

#### VISITORS

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: It's my privilege today to stand and recognize Sharon Crane and Billy McKinnon, who are visiting us from Nova Scotia, where my son lives. By the way, for those who are interested, Sharon worked for Mr Yakabuski, a former MPP for Renfrew. They're in the members' gallery. I'd like to recognize them. They're good friends of Barb Cowieson, from legislative services.

#### PETITIONS

##### GOVERNMENT OFFICES IN BRANT

**Mr Dave Levac (Brant):** I have, again, a petition with over 250 signatures.

"To the Legislative Assembly of Ontario:

"Whereas Brantford is a community of more than 89,000 people, and combined with the community of Brant county, the population exceeds 110,000; and

"Whereas the business community of Brantford and Brant county warrant and deserve the service they have come to expect from the Ministry of Finance Brantford district tax office; and

"Whereas the Mississauga regional tax office continuing business plan strategic priority number one is building a customer-centred public service that provides service when, how and where the customers want it;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We would like to propose that not only should the location and services offered by the Ministry of Finance be kept in Brantford, but they should be expanded to include a much-needed permanent location authorized to issue health cards"—in a multi-jurisdictional setting by all ministries—"by exploring the following alternatives: (1) maintain the status quo at 213 King George Road in Brantford; (2) relocate to 10 Fairview Drive, the former OPP station; (3) build a new office in a central location;

(4) investigate available vacant buildings that would be suitable.”

I sign my name to this petition and encourage the Minister of Finance to look at these options.

1510

### NATUROPATHIC MEDICINE

**Mr Rosario Marchese (Trinity-Spadina):** I've got a petition signed by 10,000 people—that's a whole lot of people—from the Ontario Association of Naturopathic Doctors that reads as follows:

“Whereas the government of Ontario has requested two separate reports five years apart from the Health Professions Regulatory Advisory Council on the regulation of naturopathic medicine; and

“Whereas the current regulation under the Drugless Practitioners Act is archaic and does not work effectively in the public interest; and

“Whereas the health and safety of the people of Ontario would be better served with improved regulation of naturopathic medicine; and

“Whereas the Premier's 21-step action plan outlines a commitment to make changes to the regulation of naturopathic medicine;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows;

“Please include the practice of naturopathic medicine under the Regulated Health Professions Act, 1991, by introducing a naturopathic medicine act which has the scope-of-practice statement and authorized acts consistent with the current practice of naturopathic medicine here and in other jurisdictions.

“This means an act that includes the attached scope-of-practice statement and authorized acts for naturopathic doctors in Ontario, and that includes allowing the use of ‘doctor’ title for NDs and ensures title protection for naturopathic doctor, naturopathic physician, naturopath and any other derivative thereof.”

I sign this petition in support.

### EDUCATION FUNDING

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** I have a petition signed by numerous individuals from the Glencoe area, and they are very concerned with regard to maintaining the only high school they have in the community. The petition reads as follows:

“Whereas the Ontario government led by the Harris-Eves Tories has severely damaged public education and created turmoil in our schools since they took office in 1995; and

“Whereas the current Toronto-based education funding formula is broken when it comes to rural schools; and

“Whereas our community secondary school in Glencoe is being threatened with closure; and

“Whereas rural schools are the heart and soul of their communities;

“Therefore be it resolved that we, the undersigned, demand that Education Minister Elizabeth Witmer address the funding formula in relation to rural schools and place a moratorium on rural school closures.”

### PROGRAMME D'ALPHABÉTISATION ET D'INTÉGRATION COMMUNAUTAIRE

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** « Attendu que les 44 personnes qui assistaient au programme d'alphabétisation et d'intégration communautaire de la Cité collégiale perdent en moyenne 2,5 jours par semaine de services directs et d'appui dans leur communauté dû à la fermeture de ce programme;

« Attendu que les agences de services du secteur de la déficience intellectuelle ne peuvent offrir de services de remplacement à ces personnes, compte tenu que leurs programmes sont déjà remplis à capacité;

« Attendu que les 44 personnes qui assistaient » à ce programme « seront maintenant insérées sur la liste d'attente à coordination des services, qui comprend déjà plus d'une trentaine de personnes francophones et que certaines d'entre elles attendent déjà depuis plus de deux ans;

« Attendu que nous considérons inacceptable de laisser les personnes ayant une déficience intellectuelle et leur famille sans ou avec trop peu de soutiens, de programmes ou de services;

« Nous, parents, familles, amis et intervenants, demandons au gouvernement Eves de collaborer afin d'assurer un financement adéquat pour la mise en oeuvre d'un modèle de services aux personnes francophones ayant une déficience intellectuelle qui répondra aux besoins, favorisera la mouvance dans le système de déficience intellectuelle, réduira la liste d'attente et reconnaîtra le droit à l'éducation pour les personnes ayant une déficience intellectuelle. »

J'y appose ma signature.

### LONG-TERM CARE

**Mr Alvin Curling (Scarborough-Rouge River):** I have a petition here that has been championed by my colleague John Gerretsen and it reads like this:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care-facilities by 15%, or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas, according to the government's own funded study, Ontario ranks last amongst comparable juris-



dictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors, who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I will sign this petition and attach my name to it and give it to the wonderful Annelise to give to the desk.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Bob Wood (London West):** I have a petition signed by 25 people that asks the Ontario Legislature to bring fairness to the Ontario Disability Support Program Act, 1997, by amending it to provide regulations requiring annual cost-of-living adjustments to income support payments.

#### ADULT EDUCATION

**Mr Joseph Cordiano (York South-Weston):** I have a petition from Save the York Adult Day School, signed by many hundreds of my constituents. I'd like to read it.

"Whereas the Royal Commission on Learning reported in 1995, 'That, in order to ensure that all Ontario residents, regardless of age, have access to a secondary school diploma, publicly funded school boards be given the mandate and the funds to provide adult education programs';

"Whereas the current Conservative government drastically cut funding for adult students in 1996;

"Whereas in 1995 the Toronto District School Board had 16,662 adult education spaces;

"Whereas, due to the cuts, the Toronto District School Board has been forced to reduce adult education spaces to only 3,359 spaces available;

"Whereas the Conservative government's appointed supervisor plans to cut an additional 700 spaces with the closure of the York Adult Day School;

"Whereas adult day courses in the remaining five education centres have existing waiting lists and cannot accommodate additional adult students;

"Whereas the York Adult Day School provides members of our community the opportunity to complete

their high school education, a basic requirement to succeed in the current knowledge-based economy; and

"Whereas the decision to close the York Adult Day School is short-sighted, shutting out thousands of people from the opportunity to better themselves and their families;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to instruct the Premier to restore the adult education grant, enabling the Toronto District School Board to save the York Adult Day School from closure and give the people of this community the opportunity to succeed."

#### EDUCATION FUNDING

**Mr Tony Martin (Sault Ste Marie):** I have a petition here, signed by between 400 and 500 individuals, to the Ontario Legislature. It goes like this:

"Whereas the government has cut over \$2 billion—that's with a "b"—from public education over the past seven years; and

"Whereas the provincial funding formula does not provide sufficient funds for local district school board trustees to meet the needs of students; and

"Whereas district school boards around the province have had to cut needed programs and services, including library, music, physical education and special education;

"Whereas the district school boards in Hamilton-Wentworth, Ottawa-Carleton and Toronto refused to make further cuts and were summarily replaced with government-appointed supervisors; and

"Whereas these supervisors are undermining classroom education for hundreds of thousands of children;

"We, the undersigned members of the Elementary Teachers' Federation of Ontario, call on the government to restore local democracy by removing the supervisors in the Hamilton-Wentworth, Ottawa-Carleton and Toronto district school boards."

I have signed my signature to this as well.

1520

#### POLICE SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition to the Legislative Assembly of Ontario:

"Whereas in 1956 the province of Ontario ordered the township of Atikokan to create a municipal police service because the township's population had exceeded 5,000; and

"Whereas the province of Ontario has since failed to make any provision for Atikokan to return to provincially subsidized policing when the township's population fell below 5,000 in 1980 (2001 population: 3,632); and

"Whereas since 1980 Atikokan has had to spend over \$14 million on policing while the province was providing free ... or heavily subsidized ... policing to all 580 of the other small towns in Ontario; and

"Whereas this injustice has resulted in a significant municipal infrastructure deficit and an onerous burden on Atikokan ratepayers;

"We, the undersigned, call upon the Legislative Assembly of Ontario to right this injustice by negotiating a fair and equitable settlement with the representatives of the council and police services board of Atikokan."

This is signed by over 250 concerned residents of Atikokan. I affix my signature in full agreement with their concerns.

#### NATURAL GAS RATES

**Mr Michael Gravelle (Thunder Bay-Superior North):** One of the issues that has gotten lost in the shuffle as a result of the hydro debacle is the Union Gas retroactive delivery charge, but the petitions continue to come in by the hundreds and thousands. I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million;

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

This is very important to many people all across the province. I am very pleased to add my name to this petition.

**Mr Pat Hoy (Chatham-Kent Essex):** I have a bit of a cold today, so I'll just read:

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

This is signed by hundreds and hundreds of constituents from Chatham-Kent and Essex, and I too have signed my name to it.

#### JUSTICES OF THE PEACE

**Mr Michael Gravelle (Thunder Bay-Superior North):** I have an important petition from the people of Marathon in my riding of Thunder Bay-Superior North.

"To the Legislative Assembly of Ontario:

"Whereas the town of Marathon does not have a justice of the peace to serve our community and Heron Bay; and

"Whereas Marathon used to have two justices living here, however, they retired in 1995, and were never replaced;

"Whereas Marathon and Heron Bay residents are now forced to travel to Manitouwadge or Thunder Bay to acquire the services of a justice of the peace; this is unacceptable and unfair;

"Therefore, we want the Ontario government to appoint a justice or several justices of the peace in Marathon."

This was sent to me by Rose Marie Comeau in Marathon, who has started a great campaign. I am very grateful to her for doing that, and I'm very happy to add my name to this petition. I'll be reading it many times.

#### PENSION PLANS

**Mr John O'Toole (Durham):** It's my duty to submit a petition to the Legislative Assembly of Ontario:

"Whereas the citizens of Ontario are concerned over the implications of part XXV of Bill 198 as it affects pensioners and employees contributing to a pension plan; and

"Whereas we would like to bring this issue to the attention of John O'Toole, our member of provincial Parliament for Durham, and the Legislative Assembly of Ontario;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: that the Minister of Finance comprehensively review all sections of Bill 198 dealing with amendments to the Pension Benefits Act to ensure all current and former pension plan members are in no way disadvantaged. And we request that our Durham MPP, Mr John O'Toole, and all members of the Legislature not support any legislation that would reduce pension plan benefits."

It's my understanding that's the intention of our minister and our Premier. I will sign and support this petition.

#### ORDERS OF THE DAY

##### JUSTICE STATUTE LAW AMENDMENT ACT, 2002

##### LOI DE 2002 MODIFIANT DES LOIS DANS LE DOMAINE DE LA JUSTICE

Resuming the debate adjourned on November 28, 2002, on the motion for second reading of Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limita-



tions Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / *Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.*

**The Speaker (Hon Gary Carr):** Further debate?

**Mr John O'Toole (Durham):** I'm pleased to continue the debate, but I must make it very clear at the beginning that I'm sharing my time with the Attorney General of the province of Ontario.

I would like to just conclude, as I was speaking last week at the end of the sessional day, and I hadn't taken enough time to really make it clear on the record that I have the greatest respect for the difficult but necessary decisions that our Attorney General, David Young, has made. For those just tuning in, the table has just read a very comprehensive, rather succinct title for this bill, but for those viewing, I've encouraged our Attorney General to summarize the responses that he believes are being addressed in this legislation.

For those viewing, schedule A deals with changes to the contingency fee agreement, schedule B deals with the Limitations Act, harmonizing it to some extent, and schedule C makes amendments to the Public Accountancy Act. I believe that, in all cases, our Attorney General has consulted. I believe in all three pieces. It's long overdue and I firmly look forward to the comments that will be made by our Attorney General for the province of Ontario, the Honourable David Young. At this time, I will relinquish my time to the honourable minister.

**Hon David Young (Attorney General, minister responsible for native affairs):** I thank the member from Durham who, today as with every other day in this Legislative Assembly, distinguishes himself. He does an exemplary job in representing the people of Durham. We are very pleased to have him here, and undoubtedly his constituents have good reason to feel the same way. He clearly understands this bill. He indicated that through his remarks, which began the other day and continued this afternoon.

I certainly am pleased to rise today to join this debate on the Justice Statute Law Amendment Act, 2002. This is indeed a very important bill. It is a bill that touches upon a number of issues that are important to the people of Ontario. It's a bill that is necessary to ensure that our justice system and various other aspects of this province continue to operate in an efficient and fair manner. A justice system that treats all citizens equally and fairly is indeed the cornerstone of any free and democratic society. Every citizen, regardless of social or economic

status, is entitled to be treated with dignity, entitled to be treated with respect, and that is true at every step of the legal process. The Ontario government believes that fair and equal treatment of all citizens requires a justice system that is open and accessible to all.

The concept of accessibility is a multi-faceted one. There's no one answer; there's no panacea that is going to ensure accessibility to all. But we have come forward with the Justice Statute Law Amendment Act, 2002, and in it there are a number of initiatives that we believe will improve access to justice in this province. We have proposed important reforms that will make the law more clear, that will make the law understandable and will also ensure that the right of all to have access to the court isn't decided based upon one's financial standing in society.

I'll begin, if I may, by talking about addressing the affordability issue. Simply put, the cost of using the legal system should not act as a barrier to justice. That's why we have introduced an amendment to the Solicitors Act that is contained within the bill that we're here to debate today. If that amendment is passed, it would modernize the way legal fees are regulated, giving all Ontarians greater protection, greater flexibility and improved access to the courts across this province.

The proposed legislation would regulate the way individuals enter into contingency fees with their lawyer.

#### 1530

I will pause to note the member from St Paul's presence in the assembly at this point in time. I do want to say that that particular member has brought forward not one but two bills to the Legislative Assembly. As I have said to the media and I have said publicly, I do thank him for bringing this issue forward. I do thank him for the thoughtful way that he has introduced his initiatives, his proposals, to the Legislative Assembly, and for the level of dialogue that has taken place by reason on the introduction of those bills. I also look forward to hearing his comments later today with reference to our proposal that we have placed in the front of the members of this assembly. I do think that we must take a moment to acknowledge the excellent work that he has done in this regard. I thank you, sir, through the Speaker.

For those watching who may not be familiar with the terms "contingency fee" or "contingency arrangements," let me say that what they do is they tie legal fees to the outcome of a particular case. Under such arrangements, if the client wins a case, there was likely a pre-arranged fee. If the client does not win, in most instances the client does not pay. In this way, individuals would be given the option of negotiating a different financial arrangement with their lawyers at an early stage in the proceedings so that unpredictable legal fees and upfront costs wouldn't serve as a barrier to one having access to justice.

Lower- and middle-income Ontarians should not have to mortgage their families' future in order to exercise their legal rights, and this legislation is designed to ensure that they do not have to do so.

In September of this year, the Court of Appeal dealt with the issue of contingency fees in a case involving a

plaintiff by the name of McIntyre. In a very thoughtful and well-reasoned decision, Associate Chief Justice O'Connor made a number of comments that are very helpful in understanding where and how contingency fees should work in this province. In his decision, toward the end, he included a paragraph. With your permission, I will quote from it.

He said, "Notwithstanding my conclusion that contingency fee agreements should no longer be absolutely prohibited at common law, I urge the government of Ontario to accept the advice that it has been given for many years to enact legislation permitting and regulating contingency fee agreements in a comprehensive and in a coordinated manner. There are obvious advantages to having a regulatory scheme that is clearly and specifically addressed in a single legislative enactment. There is no reason why Ontario, like other jurisdictions in Canada, should not enact such a scheme."

He goes on to say that his comments aren't intended to apply to family law matters, in which different factors should apply.

That was in September of this year. We listened to Justice O'Connor, began our consultation with various stakeholders and brought forward to the assembly a bill that we think addresses the very important issue that he spoke about in the McIntyre case.

We suggest that by modernizing the way legal fees are regulated and ensuring strong public protections, Ontarians would benefit from a new tool, contingency agreements, that would help them deal with the escalating costs of hiring a lawyer. In particular, the very complex cases that often involve very lengthy and costly preparation would be ones that in some instances, without contingency fees, might serve as a bar to a potential plaintiff, yet some of these cases are among the most important to bring forward to the courts of this province, not only for the individuals or organizations who happen to be directly involved in those cases, but to others across the province. One must remember that the law is an evolutionary process by which the common law adjusts to ever-changing realities of society. This further highlights the importance of affordability.

Decisions about whether to initiate a lawsuit must be made on the basis of justice and restitution, not on whether or not you can afford a lawyer. Allowing contingency fee agreements will help to ensure that such decisions are less the product of pocketbook considerations and are based to a much greater extent on the principles of justice.

Speaking of the importance of contingency fees as a means of enhancing accessibility to the justice system, Justice Cory stated a few years ago, in a case known as *Coronation Insurance v. Florence*, the following:

"The concept of contingency fees ... is to make court proceedings available to people who could not otherwise afford to have their legal rights determined. This is indeed a commendable goal that should be encouraged.... Legal rights are illusory and no more than a source of frustration if they cannot be recognized and enforced."

Contingency fee agreements in which clients incur costs only in the event of a successful lawsuit ensure that all Ontarians can have their legal rights recognized and enforced. As Justice Cory explained, recognition and enforcement help to ensure that rights are not illusions but are in fact real and effective protections and guarantees.

Ensuring that no one is left out of the justice system requires more than simply providing the public with new flexibility. We must also see to it that strong public protections are in place so that clients who win settlements are not burdened with what some may describe as unreasonable legal fees. To allow large portions of settlements to go to lawyers instead of to clients and victims would compromise the very principle of restitution. That's why we will consult widely before finalizing the regulatory framework that is contemplated by this legislation, and we will ensure that a fair and reasonable balance exists between the interests of lawyers and of their clients.

Contingency agreements are not new to Canada. I think as one is looking at this bill they should consider what has gone on in other provinces across this country. They should also consider what has gone on in this province. In fact, contingency fees are not new to Ontario either as they have historically been permitted in class-action lawsuits and in other non-litigious matters in this province. However, as a result of the Court of Appeal decision that I just referenced and another decision of Justice Cronk from the Court of Appeal that was rendered at roughly the same point in time, we in this province feel as though it is an appropriate time for us to come forward with a scheme that will help to regulate this area. Courts have said that contingency fees are legal. It is now our obligation to come forward and ensure there are appropriate regulations in place. If this bill passes, there will be appropriate regulations in place.

As I mentioned earlier, many of the provinces have had experiences with contingency fees. Some of them have permitted these arrangements as far back as the early 1970s. A very important ruling occurred in the McIntyre decision—we certainly are very cognizant of that—and as well by Justice Cronk in a case involving the Raphael law firm. We think that the bill we have brought forward will allow for this Legislature to appropriately respond to the public protection measures that are necessary and must be in place in order for contingency fees to operate, and operate well, within this province.

In addition, the Law Society of Upper Canada's rules of professional conduct regulate lawyers' ethical behaviour, and the law society's complaints and discipline process provides an accessible means by which those standards can be enforced. One must remember that there are a number of safeguards, checks and balances in place, some of which have been in place in the past and will continue in place, and some of which will be added to and enhanced if this legislation passes.

I appreciate there may be some concern about stories that they hear from south of the border. Indeed, con-



tingency fees do exist in the United States. I would suggest to you that there are some very important differences between the law in this country and what we are proposing on the one side, and the experience in many states south of the border on the other side.

I would like to take a moment to explain some of the important differences between our legal system and the American system, differences that I believe will keep a lid on the settlements and will ensure the system operates well and to the benefit of the injured party and all the litigants in any particular matter.

In the United States, the concept that a losing party may expect to pay part of the legal costs of the winning party doesn't exist in most jurisdictions. Instead, parties are generally responsible for their own costs. The fact that an American plaintiff doesn't face that downside risk similar to the sort of risk that exists in Canada we believe has a significant impact upon the matter. In Canada, the general rule is that the losing party will pay the costs of the winning party. Now there are exceptions and there is discretion that can be and often is exercised on the part of the court, but the general rule remains the same.

1540

Further, the Supreme Court of Canada, in a trilogy of decisions in the 1970s, I believe, limited the amount of court awards for non-economic loss, non-pecuniary general damages, losses such as pain and suffering and loss of amenities and reduced life expectancy. At that time, in three different cases, the Supreme Court of Canada indicated that there should be a limit upon the maximum amount that can be awarded for those losses. With the passage of time, there has been some increase to the original cap to reflect inflation and inflationary influences, but the cap remains in effect. It serves to distinguish us from the United States, where no such limit exists for non-economic losses and punitive damages often run into the millions of dollars. On the subject of punitive damages, in Canada punitive damages are rarely awarded and the awards are generally much lower than they are south of the border. The American system also makes more frequent use of juries that we do in Canada. Traditionally, juries have tended to award relatively higher damages.

These are just a few of the important differences that continue to exist between Ontario and the legal system south of the border. It is my respectful opinion that these differences will serve to limit the size and the volume of lawsuits in Ontario.

As the experiences of other provinces have shown, contingency fees do not lead to an increased number of nuisance or unmeritorious suits in Canada. The introduction of a regulated framework to protect consumers, while providing them with greater flexibility in negotiating financial arrangements with their lawyers, would greatly benefit the people of this province. These proposals that we have tabled in front of the Legislative Assembly would go a long way toward ensuring that no one is left out of the justice system simply because they cannot afford the cost of going to court.

Mr Speaker, with your permission I'll move on and chat about another important part of the legislation that we have brought forward, and that deals with limitation periods. Contingency fees reform the affordability of lawsuits. The limitation aspect of our bill serves to make the law more understandable and thus more approachable for most Ontarians. There is indeed a need to consolidate and reform the law on limitation periods in this province. Limitation periods are the time limits that exist for initiating legal proceedings in civil and family matters. It's the amount of time an injured or wronged party has from the time of the incident or whenever one starts measuring, as prescribed, until the lawsuit is started. The people and businesses of Ontario need to understand their legal rights in this area and they need to know the extent and the limits of their liability.

The current Limitations Act, the one that is the law of the province today as we debate the new proposals, is drawn from English statutes, and some of those statutes date back to the time of Shakespeare. Only a few minor amendments have been made to the current set of laws that control limitation periods in this province. Indeed, the current legislation dates back about a century. The need for reform of Ontario's limitation legislation has long been established. The need was highlighted by the report of the Ontario Law Reform Commission in 1969. At that time, they came forward and said that it was essential that government act in order to make the limitation periods more understandable and more uniform. The commission criticized the confusing mix of special limitation periods scattered throughout different statutes, and they noted that ordinary citizens ultimately suffer when they are unable to understand these laws.

The current patchwork of limitation periods not only causes confusion, it causes individuals and organizations to incur increased costs, which include insurance and additional paperwork. As one example of that, if you were to look at the Lawyers' Professional Indemnity Co, which is a group that insures lawyers, they reported that between 1989 and 2000, \$80 million was paid out as a result of missed limitation periods—\$80 million.

These multi-million dollar costs are caused by uncertainty about limitation periods, and indeed what they do is really hurt the economy of this province and cost Ontarians jobs. That's why the Ernie Eves government has come forward with these reforms that we believe will make our justice system more modern, more efficient, more accessible and more understandable.

We understand that one size doesn't fit all. That's why in our legislation we leave open certain special circumstances that should exist, and will exist if this legislation is passed, for victims and other vulnerable people.

The proposed changes include consolidating 69 limitation periods into one single act. The act would establish two clear and fair time limits that balance the interests of plaintiffs and defendants. These periods were established after exhaustive consultation with more than 100 organizations representing a range of interests, including consultations with the health and legal communities across the province.

Before we began drafting these proposed reforms, careful thought was given to the direction the bill should take. What should the new bill look like? How could it benefit the people of Ontario? How could it contribute to economic growth in our province?

What we did, Mr Speaker, was to establish six principles that make up the framework of these proposed reforms. With your permission, I will review those.

The first is that limitation reform should support a fair and accessible justice system. This is critical. An important focus of our government has been the modernization of the justice system to effectively serve the needs of all Ontarians, today and into the future.

The second reform we established was one that would serve to enhance public understanding of the law. As it stands, the current Limitations Act, as I've described it, is indeed a barrier to justice for many people across this province.

The third principle we established was one that suggested we need less confusion, that we need fewer limitation periods and fewer exceptions. So the number of limitation periods and the fact that they are spread across a number of statutes was identified as an issue that adds greatly to the confusion of a potential litigant.

The fourth principle was that limitation periods should reflect the circumstances associated with special types of claims. This applies particularly to claims relating to vulnerable people, whom this legislation is designed to protect.

Limitation reform should increase certainty about when liability ends. That represented the fifth important principle we established. In other words, there should be a clear, reasonable time limit after which no proceeding can or should be brought. We believe that all Ontarians should know that they are not liable indefinitely. This fosters the more efficient administration of justice.

The sixth principle is that except where there are compelling public interest considerations, the crown's interests should be treated in the same fashion as other parties'.

There was strong support for the reform of the Limitations Act and limitation periods across various statutes. That's what we heard over and over again through the consultation period.

1550

The bill in front of the Legislative Assembly, if passed, would establish two key limitation periods. First, a basic two-year period after the damage has been discovered would exist to start a lawsuit. The basic limitation period would start from the date the person finds out, or should reasonably have found out, about the injury, loss or damage that was experienced and who contributed to it. This period would give plaintiffs adequate time to seek legal advice, consider the options they have and begin legal proceedings.

The second limitation period is an ultimate limitation period of 15 years that would commence on the date of the occurrence. This would mean that Ontarians would have 15 years to identify the loss or damage and to take

legal action. This would balance the needs of the plaintiffs to have sufficient time to commence a legal proceeding with those of the defendants for certainty that after a fixed period of time further claims would be barred. Other jurisdictions have fixed or varied ultimate limitation periods ranging from 10 to 20 years. After extensive and comprehensive consultation, we were of the view that 15 years strikes the right balance.

The proposed legislation would also include certain exceptions to these deadlines—for example, to protect victims of crime and vulnerable people. No limitation period would run against a person who is a minor or is incapable of pursuing the claim because of a physical, mental or psychological condition if that person is not represented by a litigation guardian. There would be no limitation period on a claim of sexual assault if the defendant was in a position of trust or authority in relation to the victim or was someone on whom the victim was dependent financially or otherwise.

Our government believes that this makes a strong statement, encouraging those with a duty to protect vulnerable people to take all possible steps to carry out that duty. In other cases of sexual assault and cases of assault where there has been an intimate relationship between the victim and the alleged perpetrator, there would be a rebuttable presumption that the victim was incapable of commencing a civil proceeding earlier than it was in fact commenced. This recommendation would ensure that victims' claims are not unfairly barred by the general rules I spoke about a moment ago.

There would be no limitation period on environmental claims that have not been discovered. So that too would exist as another exception.

Lastly, the crown would be bound by the general limitations law. Having no limitation period would apply to any claim where the crown is trying to recover money owed to social, health or economic programs. We believe that the government is accountable for taxpayers' money. It must be able to continue to fund programs in the public interest and it must be able to collect money owed to the public purse without being barred by limitation periods. People who benefit from government funding should be held responsible for repayment, rather than further burdening the taxpayers of this great province.

Those are a few of the highlights that are contained within the legislation we tabled, known as the Justice Statute Law Amendment Act, 2002. In developing the bill, we have carefully reviewed similar statutes in other jurisdictions. In Canada over the past 16 years, at least four provincial governments have heard from law reform commissions that have examined limitation periods, and two provinces have acted upon those recommendations and have implemented comprehensive reform of their limitation law. The move to limitation reform has also occurred in jurisdictions including Ireland, western Australia, Queensland and England. All these jurisdictions have recognized the need to keep up with changing times, and we in Ontario are equally committed to maintaining clear and modern laws.



I spoke a moment ago about Mr Bryant, the member from St Paul's, and the initiatives that he has come forward with. I won't spend a considerable period of time talking about his bills. As I say, I am appreciative, as a member of this government, that Mr Bryant has come forward with these proposals. I think there are some aspects of his proposals that can and would be improved upon by the government bill that relate to where and how certain court proceedings would take place. It also relates to issues involving whether or not shares could be sold in a lawsuit. Our bill doesn't contemplate that. But I think Mr Bryant does deserve some credit and thanks for his hard work in this matter.

Our proposed legislation is quite clear when it comes to the maximum recovery arrangements that can be regulated. We're very clear that whatever the right regulation could or should be, it will be one that has a number of different options or potential results, including sliding scales or different recoveries based on different types of actions. We look forward to the consultation I mentioned earlier with stakeholders, a consultation that I am certain will result in this government striking an appropriate balance in setting a maximum recovery.

Improving access to justice also includes various other matters. We as a government have come forward to ensure that there are sufficient capital resources available in this province, because it isn't simply sufficient to have laws in place that allow for access. We must as well ensure that the bricks and mortar on which these cases are argued exists. The Ministry of the Attorney General's court operations are indeed located in more than 200 facilities across this province. Quite frankly, when we assumed office, we found that these facilities required renovation, maintenance and, in some instances, replacement. That's why since 1996 we have committed nearly \$270 million to building and renovating court facilities in every corner of the province. Over the past six years, we have opened new courthouses in Brampton, Cornwall, Hamilton and Windsor. Other major capital projects are currently under development, including construction in Brockville, Chatham, Owen Sound and Pembroke. The new courthouses work for the people of Ontario, making justice services more convenient and accessible. Better utilized resources allow the justice system to operate more smoothly and more quickly, and they do a great deal to enhance public safety and to promote justice.

Capital investments like these are necessary to promote access to justice. But, as we know, bricks and mortar alone are not enough. That's why we have taken action to reform the civil justice system, making it more efficient and accessible. We've acted on the recommendations of the Civil Justice Review, which proposed a number of ways to reduce delays and streamline processes to better serve Ontarians. For example, we came forward with our case management program, rule 77, and the mandatory mediation program, which is rule 24.1. They have been successfully implemented in Toronto and Ottawa, and we will be expanding those programs to Windsor this month as well. Both these

initiatives have resulted in marked improvements in access to justice. These improvements have been verified by a two-year independent evaluation of the mandatory mediation program, which found mediation to have a positive impact on the speed, costs and indeed on the outcome of litigation.

Another recommendation of the Civil Justice Review, the simplified procedure under rule 76 also improves access to justice by reducing the number of pre-trial procedures in cases involving relatively small amounts. This reduces the cost to litigants and the time required to get to trial. The simplified procedure rule came into effect in 1996 as a pilot project involving cases up to \$25,000. Its success encouraged our government and allowed us to come forward with rule 76, which made permanent across Ontario this procedure and also served to increase the monetary limit to \$50,000 as of January of this year, 2002.

These represent concrete examples of the way this government has acted to improve access to justice in Ontario. I submit to you that this legislation, the Justice Statute Law Amendment Act, 2002, will serve to further improve access to justice. It will do so by modernizing outdated legislation and by modernizing the ways that legal fees are regulated across this province. We as a government are always looking for new and better ways to ensure that justice is available to the people of this great province. Clarifying and consolidating limitation periods and appropriately regulating contingency fees will help access to justice while protecting the public.

#### 1600

Unfortunately, I don't have a great deal of time remaining, but I do want to take some of my remaining time to address what is the third major component in the bill we have tabled, and that deals with Ontario's public accounting system. Public accounting is the practice of preparing audited financial statements and other reports upon which investors, lenders and shareholders may rely.

On October 30, 2002, our government retained Dean Daniels, the dean of the University of Toronto law school, to hold consultations and to advise the government on how best to reform the public accounting licensing regime. At that time I came forward, along with my colleagues Minister Hudak and Minister Ecker, and announced our intention to broaden the eligibility for public accounting to include members of the three major accounting bodies—those are the chartered accountants, the certified general accountants and the certified management accountants—if, and only if, they meet prescribed high standards, and the proposed legislation does just that. It proposes a principled framework for the work of Professor Daniels. He is trying to develop and will undoubtedly succeed in developing recommendations that he will give to the government which will allow for a more modern, effective and transparent licensing regime to exist within this province, a system that is based on high, internationally recognized standards. The new competency based licensing system would protect the public and maintain investor confidence in

Ontario by ensuring that only the best-qualified individuals are allowed to practise public accounting in this province.

I want to stress that while this legislation would broaden eligibility for public accounting licences, CAs, CGAs and CMAs would still have to meet the prescribed high standards that will be put in place after Dean Daniels reports to me. I look forward to receiving Professor Daniels's report. I would like to take this opportunity, if I may, to once again thank him for undertaking this very important assignment.

Taken together, the legislation that we have tabled with this honourable House will do a great deal to enhance access to justice, make the law in this province more understandable and protect the people of this province. These are important steps we're taking to ensure that the justice system works for the people of this province. I know that opening the doors of justice is a goal we share on both sides of this Legislative Assembly.

Mr Speaker, in a brief time I'll have an opportunity, together with you, sir, to hear from my colleagues across the floor how they feel about what is, in my respectful opinion, a comprehensive piece of legislation dealing with a number of very important matters. It is my hope that the members of the Liberal Party and of the New Democratic Party will take this opportunity to not only put forward their views about the proposed laws we have tabled, but that they will also come forward and announce their support for the legislation and, by their words and indeed by their actions over the next short while, ensure its passage.

One of the things we do sometimes in the Legislative Assembly is that we take positions, and all parties are guilty, for want of a better word, of this, that are contrary to those of the other side because we believe it is our job to have a different position, to offer different views and opinions. I think this bill is an opportunity for us all to get beyond what might be a partisan approach to politics and to behaviour within this Legislative Assembly and to really do the right thing, to step forward and say, "This is good government. This is what we should be doing as legislators to improve access to justice, to protect the people of this province and to make sure that the laws in this province are understandable to men and women wherever they might live in this great jurisdiction."

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I invite all members of the House to join with me in welcoming Lynn, Henry, Sebastian, Emily and Julianna Miller. They're the family of Victoria Miller, who is the greatest page from Toronto Centre-Rosedale.

**The Acting Speaker (Mr Michael A. Brown):** Questions or comments?

**Mr Michael Bryant (St Paul's):** While I will have 40 minutes to follow up and end the leadoff for the official opposition, I just want to say to the Attorney General that I listened closely to his speech and appreciate very much his words of acknowledgement. This isn't the only time it has happened, but when the health minister acknowledged the efforts of Mr Patten on the mental health bill, I

remember thinking that just made sense. I wish we could all give credit where credit is due here more often. But I really appreciate it from the Attorney General, and I'll just say in a nutshell that I do actually believe, as I have said before, that I was always open to improving upon whatever modest effort my private member's bill might have been. I do believe that this government bill has improved my private member's provisions on contingency fees and it has made some important decisions with respect to the concern of double-dipping, with respect to the concern of supervision by the courts.

I have 40 seconds left—I'll have 40 minutes to talk about this—but I think the important decisions were made. Many things will be covered by regulation. While ideally we always put things into a statute, in some cases it may be best for some of these matters to be dealt with in that fashion. What anybody would want for a matter like this is for there to be ample consultation, which the Attorney General has quite rightly committed to and has continued to consult with the major stakeholders. So I look forward to working with the government on that and to making any other further improvements to the bill.

**Mr Michael Prue (Beaches-East York):** We have here but yet another omnibus bill. I listened to the minister with great intent because this is a very complex bill, and it is particularly complex to those of us in the Legislature who are not lawyers. I would caution that in a bill of such complexity, a bill that will affect so many people and affect so many jurisdictions, a bill that will affect chartered accountants and lawyers and professional people in this province who have had an opportunity over many, many years to run their own affairs, there needs to be an opportunity for some considerable debate before this bill is passed.

To date I think there has not been sufficient debate either within this Legislature, because it has just been introduced, or out in the wider community, where the impact will be very, very strongly felt. So I am suggesting that although my initial feeling is that much of what is contained in this bill is timely, much of what is contained in this bill is good and much of what is contained in this bill is important to the people of Ontario, we need to ensure that there is a full range of public hearings before this bill is actually passed into law.

It is not clear to me from listening to the minister whether or not it is the intent of this government to allow for the extensive public hearings or whether this bill will be, as so many others, rammed through the Legislature in the minimum period of time, with closure invoked.

I am just suggesting that there may be a will, as the minister has said, from all sides of this House to see this bill passed. But there is much too much left in this bill to regulation, much too much that needs to be discussed by the broader public, and I'm hoping that some of that is clarified today with the next speaker from the Liberal Party. Most especially, I'm waiting to hear Peter Kormos, as always, to entertain and enlighten me.

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**The Acting Speaker (Carolyn Di Cocco):** Questions and comments? The member from Scarborough Centre.



**Ms Marilyn Mushinski (Scarborough Centre):** Thank you, Madam Speaker. It's nice to see you in the chair.

I'm pleased to join in this discussion regarding Bill 213, the Justice Statute Law Amendment Act, 2002, on behalf of my colleague the great Attorney General, as he is, and very good friend, Mr David Young. I think it's important that we do put a couple of matters on record with respect to this particular Bill 213. For example, the president of the Stormont, Dundas & Grenville Lawyers' Association, Guy Willis, is already on public record as saying, "I think it's a step in the right direction. It improves access to justice."

Another quote that I have here is, "It doesn't matter to me who gets the credit for this law, we just need it in place. It's about time that the province of Ontario joins the rest of the country in getting contingency fee regulation and hopefully this will be a good day for consumers." That's Mr Michael Bryant, MPP for St Paul's.

Also, Michael Eizenga, who is an executive member of the Advocates' Society, is quoted as saying, "It's a very positive step forward in generating access to justice for the people of Ontario."

Just very briefly, to get to the point of the public accounting component of this bill, which I know is strongly supported by the NDP caucus, I would add, "The government's actions today are yet another important step in raising accounting standards and making Ontario a great place to do business." That's from Glen Schmidt, president of CGA Ontario.

**The Acting Speaker:** The Attorney General.

**Hon Mr Young:** I appreciate the opportunity to have another brief time to speak to this important bill. I want to thank the members from St Paul's, Beaches-East York and Scarborough Centre.

Let me start with the comments made by the member from St Paul's. He is quite right that there are a number of aspects of our bill that are different from the bill he brought forward to the Legislative Assembly. He's also right that he has always been open to discussing those differences. Indeed, we've had some chats about some of those items that he talked about, euphemistically called double-dipping, the idea of selling shares and just what the cap would look like. I do want to say that he has always been open to the notion of modifying his proposals. As I said before, he brought forward some bills that allowed for a reasoned debate. We believe this is the next logical step. But I do thank him for his comments.

I thank the member from Beaches-East York as well. My colleague the Minister of Labour indicated to me that he agrees with much of what the honourable member has said, with the possible exception of the anticipation that exists in relation to Mr Kormos, the member from Niagara Centre. We may not share our interest in Mr Kormos's presentation in quite the same way. But I thank him for his comments.

For the member from Scarborough Centre, I will say to this honourable assembly that there is no member in

this Legislative Assembly who feels more passionately about issues involving justice. She believes that the courts in this province are a very important part of what makes Ontario a great place, and she works tirelessly every day to protect those institutions.

**The Acting Speaker:** Further debate?

**Mr Bryant:** Let me first address the Limitations Act reform provisions and start by saying these changes are necessary. I think the Attorney General rightly said they are long overdue. I know the Limitations Act changes were initially introduced by that great Attorney General Ian Scott, and have been successively introduced by Attorneys General in the NDP government. I know they were introduced by Attorney General Harnick, Attorney General Flaherty and Attorney General Young, and they're here again in this bill. I said then and will say now, we need these changes for many of the reasons the Attorney General articulated; namely, we have in Ontario an almost absurd situation where there are, I think he said, over a hundred statutes and dozens of common law rules addressing the issue of limitation periods.

Many Ontarians—many consumers, if you like—might go to see their MPP because they feel they have been wronged. If they find the Legislature, their MPP or the government of Ontario cannot assist because it is a private dispute between private citizens, we often advise them to call the Law Society of Upper Canada to get some advice from the free referral service. They may decide to do some of their own homework, but at some point they've got to go to counsel to find out whether they can bring an action.

In many cases, the first thing the lawyer has to determine is whether a statute or common law bars the action, whether for some reason the plaintiff, the person suing, can't bring the action against the defendant, the person being sued, because too much time has passed. The argument is—well, there are many arguments, but the factors involved are whether the evidence is too stale and, probably as importantly or more importantly, at what point does it become mischievous to bring an action decades down the line?

Among other things, there needs to be a certain level of certainty out there among those who do transactions that after a certain date there is no longer an ability to bring an action or to be sued, both for the defendant and for the plaintiff, so there's a realization among consumers or people who feel they have been wronged that they can't sit on something for decades on end. So over the centuries, the courts have refined and developed principles of limitations on particular actions.

In Ontario, depending on the particular issue, whether it be a contract matter or something involving the building of a home, a tort or wrong by one against another, a liable action or slander, there needs to be some minimal level of certainty in terms of what the rules are. Yet an enormous amount of time is spent before the courts filling up our dockets, an enormous amount of money is being spent by consumers trying to afford a brutally unaffordable justice system and an enormous

amount of time is being spent by counsel on that issue, which is not really the driving issue in a particular case; that is, can the matter be brought? Is it statute barred, is it barred by the common law, is some limitation period involved here? A lot of that time, money and court time is spent because we don't have that certainty, because the Legislature has not clarified the rules.

The courts have tried to clarify the rules as best they can, but they're all over the place. As I said, there's a consolidation of limitation periods here that permits people to have more certainty, that permits the commercial sector to have more certainty, that ensures there is more transparency and accountability in terms of whether one can bring an action. I think ultimately it will mean our courts are that much more accessible, because there isn't that first hurdle or at least that first hurdle isn't as onerous; namely, people don't have to spend a whole bunch of time and a whole bunch of money litigating the issue that, in many cases, will be resolved with this particular legislation.

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There have been Court of Appeal cases, Supreme Court of Canada cases and Ontario Superior Court cases on this subject. It's battled out, and it takes months and sometimes years to get that answer. There are committees set up within the law society, the Ontario Bar Association and, I believe at one time, the Advocates' Society, and there are experts out there on this issue of limitations. I can tell you that even those people who are real experts on this issue—in other words, they get retained and make money off helping people get the answers to limitation period questions—even those people who stand to gain from the continued uncertainty nonetheless have said to me, and have said publicly, that we need more certainty because that's in the best interests of our justice system and it's in the best interests of Ontarians, thus the need for the consolidation.

There are some particular areas that require clarification. Many of those on the limitation period front are addressed in this bill, because there are some particular areas in which there are really no rules. That uncertainty, among other things, really wasn't in the interests of consumers, because the service provider was having to, in effect, hedge the uncertainty over the absence of a limitation period by passing along that cost to the consumer. In that sense, in the long run the hope here is that greater certainty will end up benefiting consumers in every way.

There is a basic limitation period set forth in the statute. We have, obviously, very specific questions we want to address—ideally in second reading debate or, if time does not permit, in third reading debate, if time permits—very particular provisions, because there's a lot here. We look forward to getting answers from the government on those and look forward to working with the government on this particular issue.

That basic limitation period is two years from the day the claim was discovered; in other words, realized. If somebody fell off the bus and injured their shoulder, they

know right away there is a potential claim. There's also the issue of discoverability; in other words, are there injuries that the person didn't discover at the time of the accident, that the person determined some time later? That is addressed in the ultimate limitation period of 15 years for most claims.

The bill does not address limitations for real property. When I get around to talking about my questions and concerns that must be voiced, as the official opposition is duty bound to do, we have questions and concerns about the absence of one of the most complicated areas involved in limitation periods, and that's real property. But I understand it probably isn't in here because it's so complicated, but that's probably all the more reason why we did need a little more certainty here.

There are no limitation periods, however, Ontarians should know, with respect to undiscovered environmental claims, and that just makes sense. For undiscovered environmental claims, we ought not to have limitations in place, because of the public policy concerns and interests in ensuring that Ontarians should be able to have justice redress, no matter when those environmental concerns or claims are in fact discovered. That's important in this particular area, because often the science on environmental claims is such that it would be contrary to public policy to put any limitation period in place for those undiscovered environmental claims.

There are also, of course, no limitations being placed here on sexual assault claims, again for public policy reasons that should be self-evident. A limitation period doesn't run while a person is incapable of commencing the action because of their physical, mental or psychological condition. There is, under the law right now, a rebuttable presumption that a person is incapable of commencing the action prior to the time the action is commenced.

There's also no limitation for sexual assault where one of the assaulting parties had charge of the assaulted person or was in possession of that person's trust or authority. Again, for self-evident public policy reasons, we need to give victims of sexual assault their day in court and not limit them by way of limitation periods for the very straightforward reason that this is just far, far, far too egregious an injustice to statute-bar.

Minors, no limitation period, as addressed. Why? Well, because it is assumed that minors might not discover the particular injustice they have met until they are at an age to appreciate that. The assumption is that whatever limitations may be there ought not to be doubled as it applies to minors.

For persons incapable who are not represented by a litigation guardian, I'd say that the same principles apply, and there's no limitation period there.

In declaratory judgments, where there's no claim for relief but rather just a declaration from the courts, we need to give the courts the ability—rarely used, by the way, on the public front; used to be used quite often in the day of Attorney General Roy McMurtry. He would often bring a declaration or a reference to the Ontario



Court of Justice, as it's now called, or to the Ontario Court of Appeal, or to the Supreme Court of Canada, for that matter, and have the court pronounce upon what the law of Ontario is. There are opportunities to do that. I would urge the Attorney General to avail himself of those opportunities where they arise. But certainly neither the Attorney General nor private litigants should be statute-barred from bringing such declaratory judgments.

The enforcement of court orders: we can't have limitation periods for the enforcement of court orders, if only because victims of deadbeat dads would never receive relief, because far, far too often the perpetrators who are ignoring court orders would want to take advantage of limitation periods and statute-barred actions to enforce court orders. So we certainly can't let those deadbeat dads who are currently not paying what they ought to be paying victims of deadbeat dads hide behind a statute limitation clause.

There's also no limitation period for proceedings to recover money owing to the crown in respect of fines or taxes. I was interested to see that the crown didn't put a limitation period on its own ability to reclaim welfare overpayments and the recovery of defaulted student loans. In the interest of reciprocity, I have no doubt that the government will speak to that issue. It is for not unthinkable and quite plausible public policy reasons, I have no doubt, the crown did that. But we hope to get answers from the government on that.

I know that the people of Ontario wouldn't want the government to have the right to be dilatory in enforcing its legal interests, and along those lines, I look forward to the government addressing that particular issue, although, as I said, it may be for very good reasons that the crown is doing that. Certainly it makes sense that the crown is doing it with respect to no limitation periods for proceedings to recover money owing to the crown in respect of fines or taxes.

The same applies to no limitation period for proceedings by the crown to recover monies paid in social assistance, health or economic programs, student loans, awards, grants and contributions. I spoke to that.

"A proceeding to obtain support under the Family Law Act or to enforce a provision for support or maintenance." Well, same issue with respect to deadbeat dads here. No limitation period for proceeding under the Remedies for Organized Crime and Other Unlawful Activities Act. That is because, just as there is no limitation period or limited limitation periods on a number of crimes, similarly for organized crime, we don't want to permit organized crime to hide behind statute bars and hide behind limitation periods and to benefit from those limitation periods. So I think it makes sense that if we are going to go the route of using the civil courts to enforce orders against organized crime, there be no limitation placed on the crown's ability to do just that.

Obviously we support the increased clarity in the law in the area of limitations. The existing system is archaic and confusing, and that confusion has been allowed to exist for too long. As I said, we have some questions and are duty bound to ask them of some particular provisions,

because when the bill was put on my desk it was about yay high because there are so many provisions that are involved.

1630

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** How high?

**Mr Bryant:** I don't want to use jargon here; the Minister of the Environment is here. "Yay high."

The ultimate limitation period of 15 years for latent defects in buildings: currently there is no ultimate time limit for bringing such actions. Of course, homeowners who have poured their savings into a home only to discover construction defects after the fact deserve to have their concerns addressed. Many of our constituents deserve to have our questions answered in that regard. Right now, the limitation period does not start to run until the defect is discoverable, meaning, in essence, that if a defect in a home was discovered after 10 years, then under the current rules, if one brought an action at that time, it would not be statute barred.

Clearly, a number has to be set and a line has to be drawn somewhere. The ultimate limitation period of 15 years makes sense for a lot of the matters dealt with in the courts and in this particular act. Does it make sense that architects and engineers can be sued 50 years after building a home? Of course not. Interestingly, that is the current state of affairs, which doesn't make much sense at all. But whether or not that bright line at 15 years makes sense is going to be something that is the subject of debate.

The experts say the bill does not address one of the most complicated areas of limitation period law, involving real property. I recognize that this is because, in part—obviously the government will have to answer this question, but I know that many people, many experts who have spent time on this issue in the interests of the administration of justice and access to justice and in the interests of serving consumers and achieving some certainty on these particular matters, have said that it is really because this area is so complicated that we do need some certainty.

Graeme Mew, speaking for the Advocates' Society, said in a published report, the *Law Times* of January 8, 2001, because at the time there was a limitations bill in place that didn't address real property, "Real property will be left with the same hodgepodge of 18th and 19th century provisions inartfully melded together. Certainly I know it is one of the most difficult areas, and I could see why consolidation would be intimidating. That's probably more reason why it should be attempted." It's a fair comment. I think obviously that issue and question needs to be answered and addressed by the government. I look forward to hearing from them on this in the debate as we move forward on that particular issue. It takes nothing away from the clarity that ought to be and will be provided under this particular bill.

In any event, I was certainly very open to the contingency fee bill improvements that I've spoken of already. I hope the government is open to the same.

Breach of fiduciary duty is not excluded. Previously, there was no limitation period for actions involving a breach of fiduciary duty, including the duty of doctors to patients, directors to shareholders, and trustees to beneficiaries. This is obviously a public policy concern. The question is, is that relationship—that is, between doctors and patients and between trustees and beneficiaries—of such importance that it ought to have been excluded? That is something that we look forward to discussing as this debate goes forward.

For contractual disputes between parties in an ongoing business relationship or parties trying to preserve their relationship and resolve the matter between themselves, two years is a very short time period and may encourage increased litigation between contracting parties. Having said that, the limitation period doesn't run where parties sought a third-person arbitrator. The concern is just this: if contracting parties have 10 contracts amongst themselves and there is, after two years, a sense that there are disagreements as to the way the contract is being enforced, the concern is that, rather than negotiating those concerns and dealing with those contractual disputes on an ongoing basis as it develops between the clients, instead it will necessarily mean that they'll have to drop the writ and pursue the matter in court, even though it could be addressed through consultation, notwithstanding what I said about arbitration before.

Again, one has to draw the line somewhere. My concern would just be in terms of the extent to which this might start fights, if you like, on this particular issue, rather than avoid unnecessary litigation. In any event, it's a matter that ought to be addressed by the government as the debate moves forward.

Also, as I said, the bill provides this curious immunity to the government with respect to limitation periods not applying to the crown seeking to reclaim welfare overpayments and the recovery of defaulted student loans. I think everybody would agree that the crown ought not to be dilatory in enforcing its legal interests. I would certainly urge the government not to do that. At the same time, immunizing itself from that particular limitation period does raise that question. We wanted to raise that as we debate the bill.

Moving from limitations over to contingency fees, I would say this—and it's important for the clarity that the Attorney General spoke of, which I would echo and support. He also made reference to bricks and mortar. I can tell you, the analogy in the riding of St Paul's is this: in letters in October and November to the Premier and to the Minister of Housing, the issue of the Ontario Municipal Board's decision regarding the Minto appeal for 51- and 37-storey skyscrapers at 2195 Yonge Street was at issue. What I asked of the Premier in November—I've raised this issue before and I'll raise it again now—is to address the concerns that have been raised in those letters by the Oriole Park Association Development Committee, the Federation of North Toronto Residents' Associations and the United Residents for Improved Planning. Those residents' organizations have been actively involved in

opposing the development at 2195 Yonge Street and have set forth their concerns and letters that are deserving of a response.

I just want to say how much our community owes all of these community activists and organizations a great deal of credit for what they are doing on behalf of our community, and the enormous amount of expertise and energy they are expending in the interest of trying to get some justice here. I'm totally supportive of their efforts. I think the community has realized that we have great shortcomings taking place with respect to the current mandate and jurisdiction of the Ontario Municipal Board. I would echo the concerns raised by the Oriole Park Association Development Committee, the Federation of North Toronto Residents' Associations and the United Residents for Improved Planning and say to the government that their concerns must be heeded in the interests of achieving justice on this particular issue, on addressing livable communities and that very important part of St Paul's at Yonge and Eglinton that is currently at issue. I look forward to continuing to fight with all of those organizations just listed in trying to right the wrong that has taken place here.

I would also say to those many residents of St Paul's who have called my office, met with me on this issue and with whom I have spoken on this issue that Dalton McGuinty and the Ontario Liberals have put forth alternatives. It is the job, surely, of the official opposition to put forth alternatives. I think we have put forth a very clear alternative to the status quo, which is unacceptable; namely, we'll ensure that developers play by the rules and that the Ontario Municipal Board is supposed to ensure that developers follow provincial policies in areas such as greenlands preservation, rural protection and affordable housing.

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Under this government, the Ontario Municipal Board has consistently overruled democratically elected local officials, giving the go-ahead to projects that only made sense to developers. One of the real concerns here is with respect to the enormous amounts of money that have been paid in litigation fees over the past five years, which is the subject of this debate, appealing decisions of democratically elected officials. In the past five years, municipalities in the GTA spent more than \$20 million fighting OMB decisions. Does that make any sense? Of course not.

So we will give the Ontario Municipal Board clear planning rules to ensure that it follows provincial policies, we will prevent developers from forcing unwanted municipal expansion and we will give municipalities more time to consider development applications. That is in the interests of due process and justice, and of livable communities, which is exactly why I'm talking about it in the context of this bill.

I know the contingency fee issue will be debated at length in this Legislature, but it also has been debated on the talk-show circuit. One of the great concerns raised on the talk-show circuit is that contingency fees are going to



lead to the Americanization of our system. It is really a myth that that would happen in Ontario, firstly, because we do not have the kind of damage awards in Canada that would encourage the kind of frivolous litigation we see in the United States. That's because the Supreme Court of Canada has capped damage awards in particular areas. So lawyers aren't going to be bringing frivolous cases, because they know they will have very little chance of collecting fees for those frivolous cases. They won't take the risk that they might win the lottery, in effect, by getting a humongous judgment like you might get in the United States, because you're not going to get that lottery-like windfall in Canada.

At the same time, I should also refer to the direction given on this point by Mr Justice Dennis O'Connor in the McIntyre case in the Court of Appeal, a watershed decision that completely changed the landscape in Ontario. I'll speak to that in a moment.

In his study, *Wages of Risk: The Return of Contingency Fee Legal Practice*, Herbert Kritzer argues, "Many contingency fee clients probably do pay more for legal services than they might if they paid by the hour. However, many of those same clients would probably never seek redress if ... not for the insurance function provided by the contingency fee. In a sense, clients pay a premium for eased access to the civil justice system. Furthermore, many, perhaps most, clients are able to have access precisely because of the availability of a system like the contingency fee. In a fundamental sense, there is a trade-off between access and cost, where the access issue is a combination of risk shifting from the client to the attorney and the availability of funds up front to purchase a needed service."

Well, that trade-off between access and cost is exactly why we need legislative regulation of this activity, because how much of a trade-off is it? Is it a trade-off that would permit both double-dipping, in terms of receiving a share of the contingency fee and receiving costs of the client plus a 50% award? Of course not. I think anybody who believes strongly in the integrity of our justice system would say that would be preposterous. At the same time, are you going to create a situation and regulate something to the point where you end up, in effect, prohibiting the activity and limiting access to justice? No.

So the question becomes, where do you draw the line, and how do you regulate it? I know there are some who say that ought to be done purely through the Law Society of Upper Canada and through law society regulations.

I understand and I appreciate that view, but I believe, on the contrary, that we need something in the laws of Ontario that will permit consumers to have confidence in a contingency fee system. The importance of bolstering that confidence through legislated regulation of this activity in order to ensure that we do hit that right balance is a necessity. It is one, as I will speak to in a moment, which has been urged upon this Legislature by Mr Justice Dennis O'Connor and Mr Justice McPherson and Madam Justice Abella in their decision in McIntyre,

which has received wide acclaim I think across the country.

We ought to give great credit to all the work that has been done by the joint committee to the Attorney General, struck by Attorney General Flaherty, although he ended up rejecting their recommendations. Many of those recommendations are now being heeded, and my effort, the private member's bill that I introduced in the spring, was an effort to in effect legislate the recommendations of the joint committee to the Attorney General. It might seem odd that the Attorney General critic is attempting to do that, but we now see many of those recommendations in this bill introduced by the Attorney General himself.

All those who participated in that joint committee, from the Ministry of the Attorney General, the Ontario Bar Association and the Advocates' Society, among others—the joint committee was struck at the request of the Attorney General, Mr Flaherty, in March 2000. Environics was retained to conduct a public opinion survey concerning contingency fees—very astute, I would have thought; something of interest to some. The survey found that 46% of respondents said a lawyer's fee had a major impact on their decision to hire a lawyer. Less than 20% said it had little or no impact. The support for contingency fees was quite overwhelming.

I should also, and I'd be remiss if I did not, credit Professor Trebilcock, who was on the said joint committee and who had the courage to publicly lend his support to my private member's bill for contingency fees last spring. It has since become the law of Ontario that contingency fees are legal. It is now in a government bill that we are going to regulate them. But last spring it was neither legal nor a matter that the government seemed interested in pursuing, although I do believe it's more than fair to say that there was no suggestion from Attorney General Young that in fact he was opposed to them. He always said that he's not philosophically opposed to them.

Professor Trebilcock was there front and centre (1) to explain the issue and the bill to the public, but (2) also to lend his support to something that he felt very strongly for. I am very grateful to have such an eminent scholar in support of it and standing shoulder to shoulder with me in my effort to pursue better access to justice for Ontarians, which is very much the hope and the motivation with this bill.

In addition to Professor Trebilcock, before my private member's bill went to debate and my bill did receive the unanimous support of this Legislature, the Advocates' Society provided a helpful submission which I've already read into the record.

Time has cut me off yet again, but I want to thank the Ontario Bar Association and acknowledge their efforts in this regard. They have been fighting, like the Advocates' Society, for a very long time for the legalization and regulation of contingency fees.

In the letter which the president of the Ontario Bar Association, Virginia MacLean QC, wrote on behalf of

Donald Kidd, the chair of the OBA committee on contingency fees and the former chair of the Attorney General's advisory committee on contingency fees, and of the OBA executive, she said this:

"As you are aware, the OBA has since 1988 advocated for, and supported the implementation and regulation of, contingency fees in Ontario. The OBA reinforced that support by its resolution of September 1, 2000 (made in conjunction with the law society and the Advocates' Society) approving of the implementation of the recommendations in the report of the then Attorney General's advisory committee on contingency fees. Our only caveat was that there should be a further review of how access to justice could be affected in smaller cases by a capped or maximum percentage.

"Mr Kidd and I have reviewed your bill to amend the Solicitors Act and believe that it accords with the key recommendations on implementation that we have consistently favoured. We approved of your efforts to formally recognize and organize this most important access to justice tool for the Ontario public."

That caveat that was added by the president of the Ontario Bar Association, I know, will be one the Attorney General has endeavoured to address in this bill and will continue to as the matter moves forward.

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Professor Vern Krishna, the treasurer of the Law Society of Upper Canada, also wrote on the occasion of my private member's bill on October 10, 2002, and I'm grateful for his doing that. He writes:

"As you know, the law society has for many years advocated for contingency fees for lawyers. Now that the Court of Appeal has removed the legal impediments to contingency fees, we are more intently focused on seeing appropriate regulation implemented. Our recent recommendations for contingent fee regulation, which you have noted, are an effort to bring some definition to a regulatory scheme.

"In this context, we thank you for continuing to highlight this important issue."

Also, obviously, the great jurisprudential product that is the McIntyre decision, released on September 10, 2002, is really a brilliant addition to jurisprudence of Ontario, and the work of Mr Justice Dennis O'Connor and Justices MacPherson and Abella continues. It's interesting that the Attorney General took the position in that case before the Ontario Court of Appeal, the gist of which was not that the Ministry of the Attorney General or the government of Ontario was opposed to contingency fees, and that is self-evident from this bill, but rather that it is for the Legislature and not the courts to make that determination—probably the position to have taken, particularly in the circumstances where the common law, some thought, was that contingency fees were prohibited.

This is what Mr Justice O'Connor says in his reasons: "The Attorney General's argument is not that sound public policy does not favour contingency fee agreements for all civil proceedings, nor that contingency fee agree-

ments do not provide significant advantages in promoting access to justice. The Attorney General also does not argue that the types of abuses that underlie the negative views the courts historically took to these types of agreements cannot be managed within the existing regulatory framework. Rather, the Attorney General contends that any change in the law relating to champerty in Ontario must come from the Legislature, not the courts."

Justice O'Connor disagreed with that particular position. Nonetheless it was not one that was in any way opposed to contingency fee agreements; it was rather a matter of process. I should say to this Legislature, though, that the words of Justice Dennis O'Connor are ones that I hope are being heeded not to be heeded when he says: "While it is clearly open to the Legislature of Ontario to reform the law of champerty as it relates to contingency fee agreements, I am satisfied that it is also appropriate for the courts to address this issue as part of their function in developing the common law." That finding meant that contingency fees are legal in the province of Ontario. He certainly goes on to commend the necessity for legislated regulation of contingency fee agreements for all the reasons just discussed.

That is exactly why we are here today, to provide that kind of confidence in our justice system, protection to consumers and certainty. I think that particularly the provisions in this bill that require judicial supervision of the agreements and the enforcement of the agreements are going to ensure that if the balance is tipped in anyone's favour, it is tipped in the favour of ensuring that consumers are protected.

Mr Speaker, I am done.

**The Acting Speaker (Mr Michael A. Brown):** Questions or comments?

**Mr Peter Kormos (Niagara Centre):** Mr Bryant says, almost with some sense of relief, "I am done." For 40 minutes he has regaled us with a thorough discussion.

**Hon Mr Clark:** Be positive.

**Mr Kormos:** I am.

**Mr Bryant:** Sixty.

**Mr Kormos:** Well, it was 20 minutes last time and 40 minutes today, virtually unscripted, off the top of his head, with the briefest of notes that he referred to, just to make sure he got Justice O'Connor on McIntyre and a couple of dates right. But my God, Mr Bryant, it's five to five and I fear we've lost our audience. I fear we've lost the audience.

Look, I simply want to explain to people that this is but my two-minute response to Mr Bryant's substantial commentary on contingency fees. I'm going to have a chance to talk, though, in just a few minutes with Mr Prue, from Beaches—

**Mr Prue:** East York.

**Mr Kormos:** East York. They keep changing the names of the ridings.

He's going to have two minutes for questions and comments, but then I've got my 40 minutes. And while I want to talk about the contingency fee aspect of the bill, I want to talk about the Limitations Act and who's getting



stiffed. Yes, the government's sticking it to a few communities out there, you can rest assured.

I also want to talk about certified general accountants, CGAs, and explain how this government appears to have turned its back on chartered accountants. Far be it from me to suggest that the numerous fundraisers the government has invited the chartered accountants to have been to no avail for the chartered accountants, but it seems like the CGAs have prevailed. I'm going to talk about that. New Democrats happen to be on the side of ensuring equality for CGAs, mind you.

**Ms Mushinski:** I'm pleased to join in this discussion, especially as it pertains to the presentation by the member for St Paul's. It's interesting, because the member for Niagara Centre actually does raise some interesting points. You see, we have indeed heard a lot this afternoon from the member for St Paul's on Justice O'Connor and the OMB and the McIntyre decision, but all that has to do primarily with contingency fees. Yes, he has been speaking for about 60 minutes, but I don't recall—and I was sitting in the Chair on Thursday evening and listened very intently to the submissions by all members of the House who spoke. I believe it was for 20 minutes from each member. I certainly heard very strong arguments on behalf of the member for Niagara Centre with respect to public accounting. I don't think I heard any persuasive arguments whatsoever from the member for St Paul's with respect to CGAs. So it's difficult to know exactly where he stands on this issue. Does he support the public accounting component of this bill or not?

I would hope we could extract some kind of comment, I suppose, from the member for St Paul's, because it really would be interesting for us to know where the Liberals stand on something, and we happen to believe, as do the NDP, that the point on public accounting is a very good part of this bill. Where do you stand, Mr Bryant?

**Mr Bruce Crozier (Essex):** I would suggest to the members of the government that they don't get their knickers in a knot. Unless you cut off debate like you usually do, there will be some comments about the public accounting aspects of this bill. Unlike the government, we don't tell our members what to say over here. We want to hear what they and their constituents want said. Certainly, I will have the opportunity at some length to address the issues that concern the Public Accountancy Act. So don't be afraid, member from Mississauga. You're going to hear from us, and you'll hear lots from us.

1700

As far as what Mr Bryant did speak to, and that's what questions and comments are usually about, I thought the member would have made at least some introspective comments as to what my colleague from St Paul's has discussed this afternoon. I'm not so sure she was listening so closely or she might have had some comments on what he had to say.

As for what he did have to say, I take it that in Ontario there has been some limitation to access to legal services

by those who can't put a great deal of money at risk. If this legislation is passed, those of us who don't have deep pockets when it comes to legal expenses will be able to go to a lawyer and say, "Here's my problem. What are the chances of this going forward?" I expect we'll get good advice from those lawyers because their time, their effort, their money and their investment will be at risk.

If we can be sure this government won't choke off debate, we will all have ample opportunity to speak to all issues of this bill. I for one look forward to doing that.

**Ms Mushinski:** On a point of order, Mr Speaker: I seek unanimous consent that the member for St Paul's have one hour to explain his position on CGAs.

**The Acting Speaker:** Agreed?

**Mr Bryant:** No.

**The Acting Speaker:** Questions or comments?

**Mr Prue:** I would like to commend Mr Bryant for his really hard work on this issue over a long period of time. The government did talk about private bills that he tried to introduce in the past. He seems to have a very solid foundation, at least in one section of the bill, around a couple of key issues. He spoke eloquently and passionately—well, maybe not passionately—eloquently and perhaps a little dryly to the average layperson who is not acutely involved in the law, but he did deal with issues that are of importance to all of us: the issues of contingency fees and a limitation period.

With respect to the limitation period, I share some of his concerns around the two- and 15-year limits. One seems to be overly generous and the other seems to be quite limiting to people who find themselves in legal difficulty.

I too share the opinion of the member from Scarborough Centre that much needs to be said about the public accountancy aspect. Certainly in my office that's the overwhelming concern in the hundreds of e-mails and letters that are being written, and not the part related to contingency fees and limitation periods. But we will resolve all that, I'm sure, when the government has 10 or—

**The Acting Speaker:** Thank you. Response, the member for St Paul's.

**Mr Bryant:** I thank the members for Niagara Centre, Scarborough Centre, Beaches-East York and especially the member from Essex for their comments.

If I could sum up, the suggestion from the third party was that my speech was too dry and probably a little too long. The suggestion from the government member was that my speech was too short and that I should go on for another hour. According to the NDP I'm too dry. According to the government I'm too wet. I'm probably exactly where the people of Ontario are—

**Mr Kormos:** Damn.

**Mr Bryant:** Yes, I know.

It is unfortunate that the member from Scarborough Centre, in the midst of a non-partisan debate, in the midst of an effort by both the Attorney General and the Attorney General critic to put down their swords and join together shoulder to shoulder to fight for access to

justice, would be critical of that effort. That is a shame. I will not be baited into engaging in a partisan debate.

I would just commend to the member the recommendations made by Dalton McGuinty and the Ontario Liberals in our democratic charter, which would provide freedom to members of provincial Parliament to speak their minds, which would provide for an ability for the people of Ontario to have a meaningful voice in their democracy, but we will have to leave that debate for democratic reform for another day. We are, rather, speaking today on this incredibly important non-partisan issue, and I won't be dragged into that partisan mudslinging that I'm often accused of on the energy file but I will not pursue on the justice file. I thank the members for their comments.

**The Acting Speaker:** Further debate?

**Mr Kormos:** Speaker, I want you to know that I have regard for Mr Bryant's legal analysis.

**Mr Bryant:** It's mutual.

**Mr Kormos:** Well, no. I have regard for Mr Bryant. I wouldn't think of asking him about electricity, and I wouldn't recommend anybody else listen to him on hydroelectricity either. But his position on legal matters is sound. I do want to congratulate him for having been at the vanguard here at Queen's Park, almost, on the issue of regulating contingency fees.

I make note, of course, of the fact that Howard Hampton, when he was Attorney General, introduced the concept of regulating contingency fees in the introduction of class actions. That has demonstrated itself to be manageable—not without criticism and not without concerns. So I'm grateful to Howard Hampton, the leader of the New Democratic Party, for bringing regulated contingency fees in that instance, in the instance of class actions, by way of having court-approved contingency agreements by way of class actions, back in the early 1990s.

So I appreciate Mr Bryant picking up the banner that Mr Hampton carried. I appreciate that, and Mr Hampton, I'm sure, is grateful to you too. I have no doubt that that reflects your regard for Howard and his introduction of contingency fees in the instance of class action—

*Interjection.*

**Mr Kormos:** Well, that's what the history is. I mean, if you want to rewrite history, I suppose you can, but let's not deny the reality.

The problem is, yes, this bill should go to committee. There are concerns about the Limitations Act. There are concerns about the provisions of the bill that deal with regulating contingency fees, and I'm going to speak to those. I know there are a whole lot of folks out there who aren't pleased with the government for opening the doors of public accountancy to trained professionals other than CAs.

I've been getting a lot of letters. Just, I suppose, as much to illustrate that I do read this mail—and that may be to the dismay and disappointment of other members in the Legislature who could say, "What in the world is he doing reading all his mail?" I was opening this mail

today and there were four envelopes all addressed to me from the same firm. So I opened them up, of course. There's letter number one from envelope number one; letter two from envelope number two; letter three from envelope number three; letter four from envelope number four—all from the same firm up in Collingwood, as it is—chartered accountants, of course. All signed by different people, but the text of the letters is identical. Damn those PCs and Word programs.

**Hon Brad Clark (Minister of Labour):** Oh, computers—I thought you meant us.

**Mr Kormos:** No, that was a double entendre. I thought it was quite right—I got away with it, you'll notice.

I just want to tell people, this is not the way to lobby, OK? Because, in fact, it detracts from the case being made, because ministers get these kinds of correspondences from any number of people. Opposition members do, of course, as a matter of fact. But when you have a form letter, whether it's mimeographed—see, that dates me—and then people are asked to fill in the addressee and sign their name on the bottom, or whether it's done in this particular manner, I just put to you, and put to those folks, that it's not the most effective form of lobbying because it then becomes tedious and it implies that the individual authors of each letter, who didn't really author the letter, have put precious little thought into it.

**1710**

Sure, it's part of a campaign, I understand it, but in that regard, look, folks, you've got to understand, New Democrats have always supported CGAs' entry into the realm of public accountancy, with adequate standards that have to be met by everybody. So don't write to me; we didn't introduce the bill. Our position has been clear for a long time now, and don't send letters to Queen's Park. You know, it's far more effective to send them to the constituency offices.

If you really want to make an impact on the Attorney General—you see, up here at Queen's Park he's got staff coming out of his ying-yang. Down in his constituency office, though, is where your letters and, more important, your faxes are going to have more impact, because there are only two or three staff in the constituency office—

**Mr Rosario Marchese (Trinity-Spadina):** But I have another suggestion.

**Mr Kormos:** Whoa, we're getting there, Rosie.

When they get deluged with faxes on the fax machine, then they report back to their boss—to wit, Mr Young—in a way that the bureaucracy doesn't here at Queen's Park. You see, I was indicating I read the letters. Most ministers don't read most of their correspondence. They've got little people, personnel, bureaucrats, minions, to not only read the correspondence but, just as these lobbyists have Word programs, whatever—what's the name of it?—on their machine—you cut and paste, stuff like that—and send out the same letter. Ministerial staff who are in charge of correspondence not only are the only ones who read the correspondence but they're the ones who draft the response, and the ministers in



many instances don't even sign them. They go through an Addressograph, that pantograph machine.

Some ministers—I see them in here with their—

*Interjection.*

**Mr Kormos:** Well, some ministers get so little mail, Mr Clark, that they can sign them themselves.

**Hon Mr Clark:** You've wounded me now, Pete.

**Mr Kormos:** Look, your ministry is so inactive in terms of workplace inspection, things like that, that I understand they need something to keep you occupied. They give you the Crayola and they say, "Here you are, Minister. Sign these letters."

The fact is that most ministers don't read the mail that's sent to them, they don't read the mail that's sent in reply, because if it is vetted by a political person—it's vetted by an EA, etc—sometimes the EA will run it past the minister. That's what the late-night expense account things are all about, when EAs are running, you know, the draft response course.

*Interjection.*

**Mr Kormos:** You think I'm on to it, there, when the EAs are running the draft—anyway, look, David Young's constituency office—get a pencil or a pen and piece of paper. You want impact? You want to get David Young's attention? Get a pencil or a pen and a piece of paper. David Young's constituency office fax number: 416-733-7709. David Young's fax number, constituency office—not down on Bay Street at the ministry office, right? Constituency office: 416-733-7709. That's an interesting one. David Young, fax number, constituency office: 416-733-7709. You want to get his attention? Fax to his constituency office. Fax early, fax often. And if you want to go to the top dog, if you really want to leave an impression, we've got a Premier who has a constituency office up in Orangeville. Ernie Eves's fax number—this is the fax number for Ernie Eves at his constit office, because, you see, here at Queen's Park the Premier has two offices, one here in the Legislative Building, another over at Whitney Block, which they refer to as working office, and that's where he meets with all the upscale—the bankers and the corporate bosses and the people with the cheques, that sort of stuff. They get in through the back door, thinking, "We don't want to bring them here to Queen's Park because people are going to see."

If you really want to make an impact on the Premier, Mr Eves: his constituency office. Not his Premier's office at Queen's Park, because he's got staff coming out of his ears at Queen's Park who deal with this stuff. Just slide it through the pantograph machine. Here's the secret: you know those scrolls you get signed by the Premier? Trust me, friends, the Premier doesn't sit down once a week saying, "Isabel, pour me a hot chocolate," put his feet up on the ottoman and say, "I've got to sign all of these congratulatory scrolls." It doesn't work that way. The letters from the Premier? No. The ones that really get me are the letters that say, "Dear Mr Smith," and then they take a pen and they scratch out "Smith" and write in "John." Why didn't they just dictate the letter saying,

"Dear John," "Dear Jane"? No, no. They've got to go through this phony stuff to try to make like you and me are tight, like we're going to be good buddies. The person doing the typing types "Dear Ms Pushkilowski," and when the signer goes through, scratch, "Joan." Give me a break. It doesn't impress a whole lot of folks.

Those are the numbers to remember. Premier Eves's constituency office fax number: 519-941-3246. Honourable David Young's constituency office fax number—because when that fax machine is choked up with incoming faxes, trust me, it gets staff attention. People start scurrying. Here you go, David Young's fax: 416-733-7709. Fax those letters to Mr Eves and Mr Young.

The problem is that I don't think this bill is going to get to committee. I'm not sure the bill's going to be passed. It's been suggested to me by people who have been around here longer than I have that this government may actually play the game and delay the passage of this bill to get one more fundraiser out of both the CAs and the CGAs.

**Hon Mr Clark:** You are such a cynic.

**Mr Kormos:** I want to indicate that that is not my theory. It is a colleague of mine here in the chamber who's had significantly more experience here than I have, who predicts that the game being played is this: the government will not give this bill third reading so that it can ring X number of dollars out of both the CAs—talk about a cynical game. It'll give the CAs and the CGAs another kick at the can with the frommagio

**Mr Marchese:** The payola.

**Mr Kormos:** The payola. We shall see.

*Interjection.*

**Mr Kormos:** I'm going to explain to you in just a minute.

I suspect that this won't go to committee because I just got served with two notices of motion. Can you believe it, Speaker? My heart aches to see time allocation motions served with respect to Bill 209, An Act respecting Funeral, Burials, Cremations and Related Services. That's the one that's going to open the door, create loopholes big enough to drive a Mack truck through for the big, corporate, US-based, mega-commercial funeral parlours/cemeteries; the type that are listed on the Dow Jones.

I know the families who operate the funeral homes down where I'm from in Welland, Thorold and Pelham and south St Catharines. My own family has utilized those services as loved ones have died. Regrettably, all of us have been to far too many funerals. As we get older, we go to more and more of our friends' and peers' funerals rather than their parents' funerals. But I know the folks who run these small, family-operated funeral homes. They take care of families. Some of them have been taking care of families for generations. They don't scam, they don't rip off. Sure, they have to make a profit and they know it's a tough business, but money is not the bottom line for them. They have an investment in the firm's reputation and in their community.

1720

When you've got the big, mega, US corporate, for-profit-only, "rip 'em off, scam 'em any way you can" funeral home/cemetery operators moving in—you see, those funeral plots are not going to be made available to the small, family-run funeral homes that deliver that highly personalized service that's so sensitive to people's needs, sensitive to ethnic needs and sensitive to various religious needs. So the funeral and cemeteries bill is very contentious.

I've sent out copies of that legislation to all the funeral home operators down in Niagara Centre—Welland, Thorold, Pelham and south St Catharines. I've asked them to review the bill and make comments. But regrettably it looks like all their review and all their commentary is going to amount to diddly-squat—zip, nada, zero, not a thing—because this government's going to be ramming it through with time allocation. No committee hearings, and it could be ordered for third reading with no debate on the same day it receives second reading.

What are you guys trying to pull off? Are you afraid of public commentary? Are you afraid to let the public scrutinize this kind of legislation? Or are you just so arrogant and disdainful of the people of this province that you've not only diminished—you have; you've diminished debate here in this chamber. But you have absolutely no regard for the public interest that may be under attack in any given piece of legislation, specifically like your funeral and cemeteries act.

That wasn't the only notice of motion I got just 45 minutes ago. I got two of them. I've got another one. Yes, a time allocation motion; this one on Bill 210. We know Bill 210. That's the "You can fool some of the people some of the time, but you can't fool all the people all of the time" bill. It's the so-called hydro rebate—let's cap your hydro prices by making you, the taxpayer and electricity consumer, subsidize the private electricity marketers and producers to guarantee that they can still get paid three and four times the historical rate of the price of hydro per kilowatt hour and make huge profits. Well, the government, with this little alchemy-style legerdemain—how'd I do, Rosie?

**Mr Marchese:** Legerdemain.

**Mr Kormos:**—will try to fool them with a \$75 rebate. Seventy-five bucks doesn't even begin to cover the cost of one month's increase in hydroelectricity rates for even the most modest household.

**Mr Joseph Spina (Brampton Centre):** On a point of order, Mr Speaker: With all due respect, I thought we were debating the Attorney General's bill here.

**The Acting Speaker:** You are perfectly correct, and I'm sure the member for Niagara Centre will relate all of this.

**Mr Kormos:** Thank you kindly. This truly is an exceptional moment, one of those rare occasions when Mr Spina is correct. It's one of those rare occasions when he's been paying attention. I guess you've already coloured all the pages in your book. Mr Spina is one of the leading intellectual lights in this chamber, of course.

**The Acting Speaker:** Order. You will relate your comments to the matter before us.

**Hon Mr Clark:** Not to mention the fact that you're impugning someone's credibility.

**Mr Kormos:** Not their credibility, their intellect.

**The Acting Speaker:** Perhaps we shouldn't go down this path.

**Mr Kormos:** Now that we've gone that far down, I've got to find my way back, and the way back is going to be a circuitous and weaving route.

So, a second time allocation motion, which takes us to where we're going to be with this bill in short order, because I get yet another time allocation motion on this government's Bill 210, the hydro scam bill; second and third readings with no further debate and no committee hearings. It's sad, beyond regrettable, disgusting, disgraceful, and contemptuous of the people of this province and of this House. I tell you I look forward to the next election, when those members of the public who understand, who can feel the sting of this government's contempt for them, look forward to the opportunity to respond in kind.

This bill, I have no doubts about it, should go to committee. The Limitations Act provisions—I spoke about them the last time we addressed the bill; Mr Bryant has spoken about them for some 40 minutes in the Limitations Act part of his comments—contain some glaring exceptions. The auto insurance industry had its way once again with this government.

Let's understand why we have limitation periods. It's to create some fairness for defendants in civil actions. The argument is basically this: that 10, 15 or 20 years after the fact, I'm hard-pressed as a defendant—if I'm being sued, let's say, for some money you loaned me, Speaker, and then 15 or 20 years later you say, "Kormos, you never paid me back that 100 bucks I loaned you," and I say, "Yes, I did; you gave me a receipt," how after 15 or 20 years am I reasonably to be expected to have a copy of that receipt? It's absurd. How, after 15 or 20 years, could I reasonably be expected to be able to find my witness who was there when I gave the money back to you—Mr Marchese, perhaps, or Mr Prue? How, after 20 years, could I expect them, especially at their ages now, to have an accurate recollection of what happened 20 years prior?

**Mr Marchese:** And it's getting worse.

**Mr Kormos:** That's why we have limitation periods, so that there is a reasonable capacity on the part of the defendant—

**Mr Spina:** We can remember. We don't do drugs like you do.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** That's unparliamentary.

**Mr Spina:** And what he said earlier about me is parliamentary?

**The Acting Speaker:** The member for Brampton Centre will come to order.

**Mr Kormos:** So the reason we have—

*Interjection.*



**Mr Kormos:** It's remarkable how some people can draw more attention to themselves than really is warranted or appropriate, and at the end of the day is less than desirable.

The reason we have limitation periods is to create some fairness in the system. What I find remarkable is that the two-year limitation period as a general rule is one that creates some uniformity because lawyers and their clients have always—and many defendants who don't have counsel have always been caught in the maze of limitation periods that are all over the place. That has caused scenarios where plaintiffs, innocent victims, have been denied their right to proceed with a claim because they've missed the limitation period, which may be grossly out of sync with what is the norm. Creating a general standard is a reasonable approach.

What I find strange is how come the two-year limitation period—in other words, the plaintiff has two years in which to launch an action for most actionable causes—is only one year when they have to go after their own insurance company?

1730

Guess who engineered that little section of the Limitations Act? It was the insurance companies, who know that if they can shorten the limitation period in actions against insurance companies, they'll reduce the number of cases in which they owe people money, the people owed their own first-party insurance money, yet because the limitation period is half of what it is for most other causes of action—but what this does is, this imports even more confusion because if you adopt a general rule of two years, most people out there are going to say, "Oh, it's two years," and then they're going to get caught in the trap because it's one year plus a month. "Oh, I'm well within two years," but not if you're going after your own insurance company that declines to pay out, as they so often do. That's how insurance companies make money, by charging the greatest amount of premiums and paying the least amount of benefits. As Emeril on TV says, "It's not rocket science," is it?

The other interesting exception in the Limitations Act is a particularly egregious one. I'm sure if my colleague Tony Martin from Sault Ste Marie has a chance to address this bill—and it's going to be tough for him to address it because the government, I'm sure, is going to impose time allocation with respect to this bill too—he will express some profound concern about it because it creates no limitation period, none whatsoever, when it's the government going after a former ODSP recipient, a former social services/welfare recipient or a student loan recipient for monies that may or may not have been paid to that person, but they can go—never mind not only within two years, not within 15 years—forever.

You know and you know and you know, if you've been paying attention to what's going on in your constituency offices, that when the minister hired that private firm to go through social services' books, we had call after call from former welfare recipients, people who, 15 years ago had been on welfare for six months, as it

should be and then moved on with their lives, who say 15 years after the fact, "I've got these wackos calling me saying I owe them money. How the heck am I supposed to recall what went on 15 years ago? I'm telling you, I never received a notice at the time." In fact when we followed through, there was no suggestion that notices had been sent to those people at the time, but 15 years after the fact, 100 bucks, 200 bucks, 300 bucks, 500, 1,000.

The reason we have a Limitations Act and the reason why they should be reasonable is so that plaintiffs' interests are protected, but also so that people who can be named as defendants have their interest protected too, so that they're sued within a reasonable period of time, so that they can gather up the evidence 15 and 20 years after the fact, 30 years after the fact.

Not only has this government cut a sweet deal with the auto insurance industry, oh, once again, but they've cut an even sweeter deal for themselves. I don't think that's fair, reasonable or just. I think this bill should go to committee so that that particular section as well can be addressed.

Contingency fees: let's make one thing perfectly clear. We've had contingency fees, informal—underground, as was put to me by one observer—for years and decades. The general rule of thumb on a personal injury case, a motor vehicle accident back when we had tort—we've had some restoration of it—was if there was a settlement, 15% of the lawyer's fee came from the insurance company and 15% came out of the award, the settlement paid to the plaintiff. That's a contingency fee. It was never articulated in writing, not a contract that was—oh, I suppose enforceable.

Much reference has been made to the Court of Appeal decision, a very competent one, of McIntyre. You may well have heard this from the previous speaker, but McIntyre is about a woman whose husband dies—I hope I've got this right; if I don't, somebody is going to stand up and correct me—as a result of smoking. She wants to go after one of the big tobacco companies. She retains a law firm. That law firm is prepared to do this on a contingency fee basis; however, they want to make sure that they are contravening neither the Solicitors Act nor the law of champerty.

It was fascinating to read the McIntyre judgment in the Court of Appeal. You should read it, and I'm sure you will, before you make your comments, Mr Marchese, because of course Judge O'Connor reviews this antiquated law of champerty and maintenance. It was incorporated, as a matter of fact—interesting, fascinating, and I'll bet you dollars to doughnuts right now that other than Mr Sterling, who knows about these things, there isn't a single member of the Tories present who knows what's unique about the law of champerty and maintenance, and that is that it's not included in the RSOs. You can't find it when you look up the 1990 RSOs.

*Interjection.*

**Mr Kormos:** You didn't know that. I know you didn't. Mr Sterling did.

There is an appendix to the RSOs that deals with these antiquated but still very much alive and well statutes, because of course when the common law was effectively repealed, the law of champerty and maintenance common law—the common law wasn't repealed, but there was affirmation of a statutory law.

Anyway, Judge O'Connor goes through the law of champerty and maintenance, which took me back many years to a couple of now-hazy days in law school discussing champerty and maintenance. But at the end of the day he says, no, there's nothing illegal. Among other things, times have changed, and there isn't the sinister quality, the unsavoury quality, to contingency fees that was being contemplated by the law of champerty and maintenance.

But just as other people have referred to the judgment, I marked a couple of sections, because I'm going to tell you right now that I do not take kindly to this Attorney General and this government saying, "We are introducing contingency fees to the province of Ontario," because you're not.

**Hon Mr Clark:** We're not?

**Mr Kormos:** No, you're not. Don't be silly.

First, Mr Hampton acknowledged them in his legislation dealing with class actions, but even before that, contingency fees were legal and being practised. Look what Mr Justice O'Connor said—

*Interjection.*

**Mr Kormos:** No, no. Listen to me. Jeez. You guys are never going to learn anything if you don't pay attention for just a few seconds.

Mr Justice O'Connor: "... we do know that for years lawyers have acted in what they considered to be meritorious cases for clients of modest means with the realization, if not the express agreement, that they would ... be paid in the event of success." Judge O'Connor then goes on to talk of these as "informal" arrangements.

He does go further, though. It's very clear: Judge O'Connor, in this very competent analysis of the history of the law of champerty and maintenance, and considering the contingency fee agreement that the parties to this matter—as you heard, the Attorney General of Ontario was at it, although even Judge O'Connor's references to the province of Ontario indicate that the province's lawyers really didn't contribute much to the case. But again, the history of these Attorneys General for the last seven years, especially in court, has not been remarkable. They've been more notable in terms of the number of cases they've lost. Have they won any? I appreciate—listen, I of all people understand lawyers can't win all their cases. Sometimes the facts and the evidence just aren't with them. But this government's Attorneys General I think have a batting average of zero. Is there such a thing, a batting average of zero?

*Interjection.*

**Mr Kormos:** Yes, there might have been a small claims court case somewhere, Mr Clark is suggesting; you know, they got themselves a default judgment because the defendant never showed up. Those are easy

ones. Thanks—a default judgment because the defendant doesn't show up in small claims court. Yes, what was that for, \$87 or something, plus costs?

**1740**

In any event, the Attorney General, according to Mr Justice O'Connor's judgment, doesn't appear to have been particularly helpful, but they were there.

It goes on, "I urge the government of Ontario to accept the advice that it has been given for many years to enact legislation permitting and regulating contingency fee arrangements in a comprehensive and coordinated manner. There are obvious advantages to having a regulatory scheme.... There is no reason why Ontario, like all the other jurisdictions" shouldn't have it, and he reiterates that this shouldn't apply to family matters. I do point out that the contingency fee section of this bill makes it clear it does not apply to family matters or to criminal matters. Fair enough. However, that's why criminal lawyers like to get their money up front, because if your client gets convicted and sent to jail, the likelihood of being remunerated or having that account honoured is marginal. That's just the reality of that.

What concerns us, though, is not what's in the bill but what isn't, and we appreciate that there has been a growing tendency on the part of this government to delegate more and more things to regulatory schemes. We suspect part of it is just sloppiness, lack of preparation; that part of that tendency is the urgency to whip up a bill, get it together, and produce just the barest of bones and then say, "We'll worry about it later." But what happens then? How many bills have we seen that have received third reading and royal assent but not been proclaimed? More than a few, because that's where the matters were referred to regulation and somebody's just sort of killing some time, ragging the puck, saying, "Oh, that bill, that bill. Well, mention it to me once again next week." I know the syndrome, "Yes, that phone message or the letter I've got to respond to? Mention it to me again tomorrow." I know what that means. It means I'm not particularly eager to have to get around to it, and staff people have to sort of twist my arm and follow me, bird-dog me, all day to get me to do it. I've got a feeling that's what's going on in some ministries.

We're concerned about what isn't here, and particularly concerned about the ability expressed in the bill of a lawyer to go to court to seek—because the bill talks about the proposition of a cap, maximum fee. Fair enough. We don't know what that's going to be yet. That's not so fair. Two, the bill talks about a lawyer's right to go to court to seek an increase above and beyond the cap. However, it doesn't specifically articulate the right of a client to go to court and say, "Look, I know I signed this agreement and I know the agreement was for 30%, but at the end of the day I discovered that my lawyer or law firm spent"—this was a done deal from the get-go, do you know what I'm saying, that they ended up spending—and I'm just picking numbers out; don't take me literally. But they ended up spending 10 hours on it. "So is it fair that they take \$300,000 of my million-dollar



judgment with really what was in effect a done deal at the get-go?"

Now, in the briefing that I got from a number of outstanding ministry staff—Mark Leach, William Bromm, John D. Gregory, John Lee, John Twohig, Sunny Kwon, Marie Irvine and Abiodun Lewis—all under the watchful eye of the minister's police officer, Mike Langlois—not that he's really a cop, but he was there to keep an eye. It was sort of like the Soviet Union, you know, during Stalinist times? He was there to make sure he could rat out on any of the bureaucrats if they said anything inappropriate—not that any of the bureaucrats would have said anything inappropriate.

In the briefing I had with them, they said—

**Mr Rob Sampson (Mississauga Centre):** Careful, Peter. You came close.

**Mr Kormos:** Close don't count.

A client doesn't have the express right to go to court and say, "This is ridiculous that that lawyer should get 30% of my settlement when at the end of the day they did relatively little." A client, according to the briefing I got, could still have an assessment, but what does that say or do about the contingency agreement? We've either got a regime where we have contingency agreements where you have a signature, a contract, an agreement that surely lawyers should be able to rely upon, and clients—this does not improve access to the courts, not one iota, because just as plaintiffs in the past were able to have law firms represent them and carry the cost of their case if it was a meritorious case where there was a likelihood of settlement, they'll have that right now.

The suggestion that this improves, increases or enhances access to the justice system is naïve and inaccurate. We have always had contingency fee systems for as long as I've been alive, which is more than 22 years and change. We've always had contingency fees. Let's not pretend that they aren't here, just as they were in the past.

**The Acting Speaker:** Questions or comments?

**Mr Marchese:** I'm surprised that the Tories don't want to take up their two minutes to respond. I certainly liked my friend's speech, the member from Niagara Centre. I thought it was a great speech. I was particularly fond of the fact that he was informing the public of how best to reach their local members and ministers. That was important. He took a lot of time to make sure the public knows how to reach you guys, because it's often very true that many of you don't come to the meetings when we have them, where often the Liberals and the NDP are debating amongst themselves because we have a member that's absent over there.

I want to add one piece of information to what the member from Niagara Centre has included, and that is to say, if you want to reach the ministers, write on the envelope "private and confidential." I'll tell you why. If you don't write "private and confidential," the civil servants get the letter and by the time the minister gets it, they're out of office. You've got to write "private and confidential" because no one else can touch it except the minister and/or his handlers. Usually the handlers say,

"Minister, this says 'private and confidential'; I'd better give it to you." I want to add that to the list.

I want to add the matter of the limitations issue because what they have done is to help the insurance companies by reducing the limitations from two years to one. Why would they that, except for there's big grease going on there? It's the payola, it's the grana. It isn't Joe Blow from my riding, a little guy from my riding, calling in; it's the insurance companies that send the 750 bucks, the 1,000 bucks, the couple of thousand bucks—that's what it's about.

We need to fix it. That's why we need to go to committee hearings: so we can expose the problem, so that people can be heard. They don't want hearings and they don't want the public to hear.

**Hon Mr Clark:** I have a hard time not laughing at your conspiracy theories. If everything you said was true, we'd be doing nothing over here on the government side. What a joke.

*Interjections.*

**Hon Mr Clark:** Now the Liberals want to join in on this. Give me a break. You're telling people that nobody signs letters and nobody reads letters. I have numerous ministers as colleagues here and we all read letters. We read letters that come from you, honourable member from Niagara. I even read your letters. I can't believe I actually read your letters, but I do read your letters and I respond to them with my own pen, not a computer-generated monitoring system. You must believe in the X-Files. You must think the X-Files are true.

All this nonsense about computers, that the minister never sees it, they never look at anything, the minister doesn't touch anything, the minister is not involved—give me a break. The last time the ministers weren't involved was with the social contract.

No one wanted to take any credit for the social contract. That's the last time the ministers of the government were not involved. That, by the way, was the last time they didn't sign letters. They didn't respond to any letters on the social contract. At that point in time, they didn't want to talk to the union leaders any more because you were elected to look after your union leader buddies, and you ignored them. You just kind of shut the doors and locked them out. That's what you did.

I can understand why you're bitter about it, but the reality is that on this side of the House, when we get correspondence, we respond to the correspondence because we want to hear from the constituents. We don't take this nonsense from you, the member from Niagara.

1750

**Mr Ernie Parsons (Prince Edward-Hastings):** I am particularly pleased to hear of the brand new policy that they will respond to all correspondence. That's been a struggle for three and a half years. If that's a ministerial statement, thank you.

*Interjections.*

**Mr Parsons:** I'd like to speak to the bill, if I could, for a minute, if that would be OK. I know the member for Niagara Centre actually touched on this—

*Interjections.*

**Mr Parsons:** When you don't have anything worthwhile to say, evidently volume makes up for it.

On the bill, as it was presented—the member from Niagara Centre touched on it, though there weren't many things he didn't touch on: on the limitations portion of it there's one area he mentioned that I would like to support. It says there is "no limitation period for proceedings by the crown to recover monies paid in social assistance, health or economic programs, student loans, awards, grants...." That means the time never runs out; if the government made a mistake, for a social assistance program time never runs out.

I contest that. About a year ago the federal government indicated that a recalculation of their numbers showed that they had sent too much money to Ontario. Premier Harris at that time said that it was their mistake. "We're not giving it back, ever. If it's their mistake, we get to keep it." That's quite a different philosophy from what they put in this bill. I think it has to do with an attitude of the government that there is one standard for others and a different standard for the government. Certainly, that is not consistent with, "Ottawa made the mistake. It's our money. We're going to take it and run with it." I think a lot of people in Ontario, though they understood the implications of paying it back, still felt that the morally correct thing to do was to pay it back to Ottawa, but not this government.

The other concern I have about this bill is the limitation of 15 years on buildings. Buildings are designed to withstand such things as tornadoes and hurricanes, which may not show up in the 15 years.

**Mr Prue:** As I prefaced my comment the last time, I was looking forward to my colleague from Niagara Centre, as always. Even though he raises a few hackles, he is interesting and eloquent. He did make a very good point in terms of getting to your MPPs, which I think was lost. That good point is that if you send it to a minister, if you send it to the Premier, there is a whole legion of people that you have to go through first. Very often, I would suggest, it would be very difficult for this Premier, for any Premier, to handle the enormous amounts of correspondence one would get on any given issue.

My own office has received over 100 e-mails from CAs and CGAs on this very topic. We are responding to every single one of them; it's not that difficult to do so. It's not that difficult, with an e-mail, to simply put "reply." The answer, since they're form letters, will be in form responses. People have to expect, when they send a form letter, that they'll get a form response. But Mr Kormos made exactly the right point: if you want to get through, get through to the constituency offices. That is the place where MPPs, whether they are cabinet ministers or backbenchers, whether they are in the Liberal Party or in the New Democratic Party—you will hear it there.

He also made some other very good points about people on social assistance 15 or 20 years after the fact having to defend actions, having to defend how much money they were given or not given. I will tell all of you that students contact our office quite regularly who have

paid off their student loans eight, 10 and 12 years ago and are suddenly being asked for money. How do you defend that? How could anyone defend it? This bill needs to be brought to be fair to everyone. The statute of limitations should apply to all.

**The Acting Speaker:** Response.

**Mr Kormos:** I've got to tell you I'm overwhelmed. I appreciate the affectionate and supportive comments that were made to my brief discourse on this bill. I am impressed that government members could set aside their partisanship and be as warm in their response to me as my own colleagues are here in the New Democratic Party caucus. It's rare for me to get praise from government members, including a cabinet minister, but the warmth of your comments inspires me. It's what gives me the strength to carry on for another day and keep up the good fight.

I want to tell the Minister of Labour that his warm comments, his compliments about the observations I made about this legislation are appreciated. Some day I hope I have the opportunity to sincerely respond in kind.

The problem is that there's a lot in this legislation: (1) incorporating of CGAs, among others, into public accountancy; (2) introduction of a regulatory scheme around contingency fees; and (3) a major revision of the Limitations Act. My concern is that not as many members as want to and as should be speaking to the bill will be allowed to because of time allocation. My concern is that this won't go to public hearings and therefore won't have the valuable input of any number of people out there who can provide constructive criticism with respect to the contingency fee regulatory regime and the Limitations Act, particularly the self-interest the government has used in giving itself no Limitations Act, the government once again being the snivelling lapdogs of the auto insurance industry and giving them everything they want, to the detriment of innocent victims.

**The Acting Speaker:** Further debate.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It's unfortunate that I only get about four minutes, so I'll try and be concise. I will, contrary to the people in the opposite benches, be talking just about the bill and nothing else.

For the people at home, I think it's important to let them know what we're talking about this afternoon because a lot of times members go away from the actual bill and talk about all sorts of other things, about their constituencies, and that's important as well. It is important that we talk about constituencies and their concerns. I think the Minister of Labour mentioned just a second ago that he directly, as all of us do directly, touches the constituents in terms of signing letters. I've seen him at many of my events where he comes in, lays it on the line and explains to the people directly.

Coming back to today's bill, Bill 213, Justice Statute Law Amendment Act, 2002, that our honourable Attorney General David Young spoke briefly on and that many members of this House have spoken on, I'm also



pleased to join in this debate today about the justice statute act.

One of the things this bill basically does is that it brings fairness and equal treatment of justice for all citizens of Ontario. It is important that the people of Ontario first of all understand the legal system, the justice system and, secondly, they should all have the right to use the system, even if one's financial means are not there. Therefore, I briefly want to address affordability.

Simply put, the cost of using the legal system should not act as a barrier to justice. I think that's very important. No matter what your level is in society, whether you have money or not, the justice system should apply equally, and it is important that everybody should be able to access that. That is why this legislation includes an amendment to the Solicitors Act. If this legislation is passed, it would modernize the way legal fees are regulated, giving all Ontarians greater protection, flexibility and improved access to the courts.

The proposed legislation would regulate the way individuals enter into contingency agreements with their lawyers. Contingency agreements style legal fees to the outcome of a case. Under such arrangements, if the client wins a case, the client pays a prearranged fee. If the client

does not win the case, the client does not pay. That's pretty simple. I think that makes a lot of sense. In this way, individuals would be given the option of negotiating a different financial arrangement with their lawyers so that unpredictable legal fees and upfront costs do not serve as barriers to justice.

Middle- and lower-income Ontarians should not have to sacrifice their families' futures to exercise their legal rights. This legislation is designed to ensure that they don't. By modernizing the way legal fees are regulated and ensuring strong public protections, Ontarians would benefit from a new tool, contingency agreements, to help them deal with the escalating costs of hiring a lawyer. In particular, the very nature of complex cases often necessitates lengthy and costly preparation, so that the cost of complex cases may be prohibitive to many Ontarians. Yet these types of cases can be among the most important, not only to the individuals or organizations involved—

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Agostino, Dominic (L)	Hamilton East / -Est	Chief opposition whip / whip en chef de l'opposition
Arnott, Ted (PC)	Waterloo-Wellington	Parliamentary assistant to the Deputy Premier and Minister of Education / adjoint parlementaire à la vice-première ministre et ministre de l'Éducation
<b>Baird, Hon / L'hon John R.</b> (PC)	Nepean-Carleton	Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of Agriculture and Food / adjoint parlementaire à la ministre de l'Agriculture et de l'Alimentation
Bartolucci, Rick (L)	Sudbury	Deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Marie (L)	Hamilton Mountain	
Boyer, Claudette (Ind)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
<b>Brown, Michael A.</b> (L)	Algoma-Manitoulin	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	Deputy opposition whip / whip adjoint de l'opposition
<b>Carr, Hon / L'hon Gary</b> (PC)	Oakville	Speaker / Président
<b>Christopherson, David</b> (ND)	Hamilton West / -Ouest	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Churley, Marilyn (ND)	Toronto-Danforth	
<b>Clark, Hon / L'hon Brad</b> (PC)	Stoney Creek	Minister of Labour / ministre du Travail
Cleary, John C. (L)	Stormont-Dundas- Charlottenburgh	
<b>Clement, Hon / L'hon Tony</b> (PC)	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
<b>Coburn, Hon / L'hon Brian</b> (PC)	Ottawa-Orléans	Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement
Colle, Mike (L)	Eglinton-Lawrence	
Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
Cordiano, Joseph (L)	York South-Weston / York-Sud-Weston	
Crozier, Bruce (L)	Essex	
<b>Cunningham, Hon / L'hon Dianne</b> (PC)	London North Centre / London-Centre-Nord	Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Curling, Alvin (L)	Scarborough-Rouge River	



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>DeFaria, Hon / L'hon Carl (PC)</b>	Mississauga East / -Est	Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Di Cocco, Caroline (L)	Sarnia-Lambton	Opposition House leader / chef parlementaire de l'opposition Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales Minister of Finance / ministre des Finances Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	
Dunlop, Garfield (PC)	Simcoe North / -Nord	
<b>Ecker, Hon / L'hon Janet (PC)</b>	Pickering-Ajax-Uxbridge	Parliamentary assistant to the Minister of the Environment and Energy and government House leader / adjoint parlementaire au ministre de l'Environnement et de l'Énergie et leader parlementaire du gouvernement Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales
<b>Elliott, Hon / L'hon Brenda (PC)</b>	Guelph-Wellington	
<b>Eves, Hon / L'hon Ernie (PC)</b>	Dufferin-Peel-Wellington-Grey	
<b>Flaherty, Hon / L'hon Jim (PC)</b>	Whitby-Ajax	
<b>Galt, Hon / L'hon Doug (PC)</b>	Northumberland	Leader of the New Democratic Party / chef du Nouveau Parti démocratique Parliamentary assistant to the Minister of Community, Family and Children's Services / adjoint parlementaire à la ministre des Services à la collectivité, à la famille et à l'enfance Parliamentary assistant to the Minister of Citizenship, minister responsible for seniors / adjoint parlementaire au ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
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Gilchrist, Steve (PC)	Scarborough East / -Est	
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs
Guzzo, Garry J. (PC)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	
Hampton, Howard (ND)	Kenora-Rainy River	
Hardeman, Ernie (PC)	Oxford	
Hastings, John (PC)	Etobicoke North / -Nord	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs
<b>Hodgson, Hon / L'hon Chris (PC)</b>	Haliburton-Victoria-Brock	
Hoy, Pat (L)	Chatham-Kent Essex	
<b>Hudak, Hon / L'hon Tim (PC)</b>	Erie-Lincoln	
Jackson, Cameron (PC)	Burlington	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs
<b>Johns, Hon / L'hon Helen (PC)</b>	Huron-Bruce	
<b>Johnson, Bert (PC)</b>	Perth-Middlesex	
Kells, Morley (PC)	Etobicoke-Lakeshore	
Kennedy, Gerard (L)	Parkdale-High Park	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs
<b>Klees, Hon / L'hon Frank (PC)</b>	Oak Ridges	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Kormos, Peter (ND)	Niagara Centre / -Centre	New Democratic Party House leader / chef parlementaire du Nouveau Parti démocratique
Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Levac, Dave (L)	Brant	
Marchese, Rosario (ND)	Trinity-Spadina	
Marland, Margaret (PC)	Mississauga South / -Sud	
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	
Martiniuk, Gerry (PC)	Cambridge	
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Attorney General and Minister responsible for Native Affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
McDonald, AL (PC)	Nipissing	Parliamentary assistant to the Minister of Enterprise, Opportunity and Innovation / adjoint parlementaire au ministre de l'Entreprise, des Débouchés et de l'Innovation
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
McLeod, Lyn (L)	Thunder Bay-Atikokan	
McMeekin, Ted (L)	Ancaster-Dundas-Flamborough- Aldershot	
Miller, Norm (PC)	Parry Sound-Muskoka	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
<b>Molinari, Hon / L'hon Tina R. (PC)</b>	Thornhill	Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Munro, Julia (PC)	York North / -Nord	Parliamentary assistant to the Chair of the Management Board of Cabinet and Minister of Culture / adjointe parlementaire au président du Conseil de gestion du gouvernement et ministre de la Culture
Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	Parliamentary assistant to the Minister of the Environment and government House leader / adjoint parlementaire au ministre de l'Environnement et leader parlementaire du gouvernement
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	Parliamentary assistant to the Minister of Training, Colleges and Universities and Minister responsible for Women's Issues / adjointe parlementaire à la ministre de la Formation et des Collèges et Universités et ministre déléguée à la Condition féminine
<b>Newman, Hon / L'hon Dan (PC)</b>	Scarborough Southwest / -Sud-Ouest	Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Ouellette, Hon / L'hon Jerry J. (PC)</b>	Oshawa	Minister of Natural Resources / ministre des Richesses naturelles
Parsons, Ernie (L)	Prince Edward-Hastings	
Patten, Richard (L)	Ottawa Centre / -Centre	
Peters, Steve (L)	Elgin-Middlesex-London	
Phillips, Gerry (L)	Scarborough-Agincourt	
Prue, Michael (ND)	Beaches-East York	
Pupatello, Sandra (L)	Windsor West / -Ouest	
Ramsay, David (L)	Timiskaming-Cochrane	
<b>Runciman, Hon / L'hon Robert W. (PC)</b>	Leeds-Grenville	Minister of Public Safety and Security / ministre de la Sûreté et de la Sécurité publique
Ruprecht, Tony (L)	Davenport	
Sampson, Rob (PC)	Mississauga Centre / -Centre	
Sergio, Mario (L)	York West / -Ouest	Deputy opposition whip / whip adjoint de l'opposition



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Smitherman, George (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	
Snobelen, John (PC)	Mississauga West / -Ouest	
Sorbara, Greg (L)	Vaughan-King-Aurora	
Spina, Joseph (PC)	Brampton Centre / -Centre	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
<b>Sterling, Hon / L'hon Norman W. (PC)</b>	Lanark-Carleton	Minister of Transportation / ministre des Transports
Stewart, R. Gary (PC)	Peterborough	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
<b>Stockwell, Hon / L'hon Chris (PC)</b>	Etobicoke Centre / -Centre	Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement
Tascona, Joseph N. (PC)	Barrie-Simcoe-Bradford	Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises
<b>Tsubouchi, Hon / L'hon David H. (PC)</b>	Markham	Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
<b>Turnbull, Hon / L'hon David (PC)</b>	Don Valley West / -Ouest	Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation
Wettlaufer, Wayne (PC)	Kitchener Centre / -Centre	Parliamentary assistant to the Minister of Tourism and Recreation / adjoint parlementaire au ministre du Tourisme et des Loisirs
<b>Wilson, Hon / L'hon Jim (PC)</b>	Simcoe-Grey	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
<b>Witmer, Hon / L'hon Elizabeth (PC)</b>	Kitchener-Waterloo	Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Wood, Bob (PC)	London West / -Ouest	Parliamentary assistant to the Minister of Public Safety and Security / adjoint parlementaire au ministre de la Sécurité et de la Sécurité publique
<b>Young, Hon / L'hon David (PC)</b>	Willowdale	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones

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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 2 December 2002

Lundi 2 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

### LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Resuming the debate adjourned on November 28, 2002, on the motion for second reading of Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / *Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.*

**The Acting Speaker (Mr Rosario Marchese):** Further debate?

**Mr Howard Hampton (Kenora-Rainy River):** I'm pleased to continue where I left off. When I was speaking to this matter the other day, I was talking about the kinds of conservation measures that need to be put in place and that this Conservative government has not only failed to put in place but in fact eliminated upon taking power in 1995-96. They eliminated them, of course, because the private hydro companies do not want to see conservation programs. They do not want to see a deliberate and thorough strategy, in terms of conservation, implemented as a matter of public policy. What they would like to see is greater consumption of hydroelectricity at a higher price. That way, they can make a profit.

I want to now turn again to what this legislation is really all about. What it's really all about is the government's desperate attempt to hide from the public the very high cost of deregulated, privatized electricity. What people will see on their hydro bill is 4.3 cents per kilowatt hour, but because there is a deregulated wholesale market, the actual price of deregulated and privatized electricity is much higher.

Let me give you an example of what's going on. The Minister of Energy and the Premier will tell people, as they tried to tell people today in question period, that the

price now is 4.3 cents per kilowatt hour. This document I have is today's market, by the Independent Market Operator of our hydro system. This is the current price of hydroelectricity—the deregulated, privatized price. It is \$208.97 per megawatt hour or 20.9 cents per kilowatt hour. The actual cost of privatized, deregulated electricity in the province today is almost 21 cents per kilowatt hour, but the Conservative government is going to try to tell people it's only 4.3 cents, which says to us that virtually 17 cents per kilowatt hour now has to be subsidized. It is being paid, but it's being hidden from hydro ratepayers.

How is the government doing that? They're going to do it in a number of ways. One way is that they're going to force some of these costs on to municipal hydro utilities. The bodies like Toronto Hydro, Ottawa Hydro, Hamilton Hydro, Sudbury Hydro or London Hydro etc are going to have some of this cost pushed on to them. That's why the municipal hydro utilities are very angry. They were not the instigators of hydro privatization and deregulation. They were quite happy to continue working in a not-for-profit, regulated, publicly owned hydro system. It was this government that launched everyone in the province toward the hydro privatization/deregulation disaster. But now that it's becoming increasingly apparent how incredibly expensive privatized, deregulated hydro is, this government wants to force at least some of the cost of that on to the municipal utilities and put them in a very difficult financial position. That will pay for some of this nearly 17 cents per kilowatt hour that has to be subsidized today. The government is simply going to put the rest on the hydro debt.

**1850**

Speaker, I ask you and people across the province to remember that this is a government that railed and said there was a debt, and therefore they had to sell off hydro. Now, when it's apparent that privatized, deregulated hydro is going to be very expensive, that people's hydro bills could easily double in the short term but triple further on, what are they going to do? Add to the debt.

This is a repetition of Conservative government bad decisions in the past. A Conservative government decided to build the Darlington nuclear station, telling people, "It'll only cost \$4 billion." Then the final price tag comes in 11 years later, and it's \$15 billion.

This is a government that again is trying to rent a vote, trying to buy people's votes with the people's own money. And what are they going to do? They're going to jack up Hydro's debt in an attempt to do it.



But the true cost of hydroelectricity right now, as I speak in the Legislature, is 20.9 cents per kilowatt hour. That is how pricey, how expensive, how costly, private, deregulated hydro is, and this government is now trying desperately to hide that from the public.

There's some other very interesting information in this report from the IMO, and I want to quote from some of it right now. This is the system advisory summary. First of all, the operating reserve shortfall: "An operating reserve shortfall has been forecast" for market participants. "Market participants are requested to submit new/revised offers and bids that will arrest the shortfall.... Mandatory bid/offer windows are now open." This was at about 5:30 this evening.

Then there's a system emergency advisory, which says, "The market is currently experiencing an operating reserve shortfall. Market participants are requested to submit new/revised offers and bids that will arrest the shortfall. The potential exists for the declaration of an emergency state."

Later on there's a system emergency advisory. The IMO says, "IMO is currently in an emergency operating state."

This is the government's own body, which it put in place. What is it telling us? It's telling us that the price of deregulated, privatized electricity right now, at 7 o'clock in the evening, is four times what the government is willing to admit to the public—more than four times what the government is willing to admit to the public. And it says, in terms of the sufficiency of supply, that Ontario "is currently in an emergency operating state."

What does that mean? It means that right now, tonight, we could have a blackout in Ontario. That's what it means. It means that the IMO, any minute, could be advising people that it is going to reduce the voltage in the lines because it cannot sustain the system. That's where this government's privatization and deregulation has gotten us. That's where eight years of telling people, "The private sector will look after you," has gotten us: higher prices and the government having to cover up the price from people just before an election, and still the IMO, at this time in the evening, says Ontario "is currently in an emergency operating state." There is a risk of a blackout.

Just to complete the picture of what the government is trying to hide, this Conservative government said, "Yes, Ontario's hydro system has a debt." Well, do you know what? All hydro systems have a debt. Do you know why? Because it costs billions of dollars to build these systems, to build the generating plants, the transmission facilities, the distribution facilities.

One of the ministers who was sitting at the cabinet table when they made the decision to build Darlington, one of the cabinet ministers who should hang his head in shame over the \$10-billion cost overrun, dares to say something tonight.

Just to illustrate the issue of debt, I want to quote from an article from Dow Jones Business News of Friday, November 8. These are the privatized, deregulated hydro

utilities in the United States: "NRG Energy Incorporated ... following months of financial triage, offered to surrender full ownership of the company to creditors in the United States through a chapter 11 bankruptcy filing, according to people familiar with the matter.

"A bankruptcy filing by the unregulated power generation subsidiary of Xcel Energy ... would be the first in what is expected to be a string of energy company bankruptcies in the coming months" in the United States.

"NRG—which owes about \$10 billion to its banks, lenders and bondholders, and has missed a string of debt payments since September—presented the proposal to its lenders and bondholders earlier this week.

"NRG, Minneapolis, is one of a slew of energy firms pushed to the brink of failure by plunging power prices, the collapse of the energy trading business"—after Enron, this government would know something about Enron; it was holding meetings with Enron. In fact, the former Minister of Energy said, "Enron was a model company." Enron helped plan the so-called privatized, deregulated market in Ontario, which the government is now trying to cover up.

"NRG, Minneapolis, is one of a slew of energy firms pushed to the brink of failure by ... the collapse of the energy trading business, and questions about the industry's accounting. It is among the most beleaguered of the unregulated utility arms set up by energy companies in the wake of deregulation to sell power into the wholesale markets." Pacific Gas and Electric Corp's "unregulated arm, National Energy Group Inc, is also in restructuring talks."

Get this, Speaker. Here's the critical part: "Earlier this week, Standard and Poor's noted that about two dozen" private "power companies" in the United States "need to refinance about \$90 billion in short-term debt by 2006, and that many won't be able to get new financing." This is just short-term debt and these characters are going under. "Among those identified by S&P as most at risk are Reliant Resources Inc ... Calpine Corp ... Mirant Corp ... and National Energy Group."

I thought this government said that the answer to having a hydro debt was to privatize. But when we look south of the border, all the companies that this government wanted to emulate, all the companies that it is so hungry to crawl into bed with, are going broke: US\$90 billion in short-term debt. That's not even their long-term debt; that's just short-term. Ninety billion dollars US: let me see. That would be C\$145 billion. But according to this government, private sector companies, private hydro providers, would get us out of debt. There's something terribly wrong with this government's story.

In the three minutes I have, let me tell what the real story was. You wanted to sell off the most fundamental part of our economy, that which underbridges everything in this province in terms of industrial and manufacturing production. You wanted to sell it off to your private corporate friends. They would make the profits, and the people of Ontario get stuck with the debt. That was your scheme. You said that it would reduce power prices. It

hasn't. If anything, if you look at what's going on in the United States, this has been a disaster financially, and in states like California, Montana, Pennsylvania or Nevada, it has been a disaster for consumers.

1900

If this government wanted to do the right thing, it would admit what California has admitted, what Montana has admitted, what Nevada has admitted: deregulation of hydro doesn't work. You should never deregulate and privatize a service which is essential to the public on a daily basis. You shouldn't privatize and deregulate hydro. You shouldn't privatize and deregulate water or water-testing. Do I need to remind you again? You shouldn't be privatizing health care. You shouldn't be moving toward the privatization of education, either.

These are essentials for the public. They are essentials on a daily basis. Turning these over to private corporations that are only interested in how much money they can make, are only interested in what profits they can make and, frankly, couldn't give a hoot about the public interest, couldn't give a hoot about whether or not people receive this necessary service, to do that, to turn it over to a private, profit-driven corporation is, frankly, against the interests of the industry of this province, against the interests of consumers in this province, against the interests of the environment and, I would say, against the interests of everything the people of this province hold dear.

You people think you can cover this up. You think you can cover it up until the next election. You think you can finesse your way through Ralph Klein. I've got to tell you, from one end of the province to the other, New Democrats are going to point out that this is nothing but a cheap and cheesy scheme to rent people's votes for the next four or five months and then, should you people be re-elected, up will go the hydro bills again, up will go the hydro rates and the people will get screwed even worse. We're not going to let you do that.

**The Acting Speaker:** Questions or comments.

**Mr Garfield Dunlop (Simcoe North):** It's always a pleasure to stand and try to make a few comments on the words said by the leader.

We have lots of concerns. I'm certainly concerned about hydro prices and about how governments of all political stripes, including the New Democratic Party, have dealt with hydro over the past 30 years.

As a government, we are trying our very best to work with what we consider to be a very important issue here in Ontario. I look at the way we've tried to support the economy with the creation of tax cuts—over 200 tax cuts in the last seven years. Of course, you voted against every one of them. You know those tax cuts have generated about \$15 billion in revenue, and those revenues have created about a million jobs here in Ontario. I know you don't want to hear that. That's after these gentlemen, the NDP, have voted against every one of them. What I'm trying to say very clearly is the fact that we as a government try our very best in every decision we make to keep the economy of this province strong so that we can have the revenues to do everything we need to pay

for the medical system and the education system we have, whereas this party over here left us with a deficit of \$1 million an hour, and now we hear they're actually experts on hydro.

**Mr Mario Sergio (York West):** I have just a brief comment on the presentation by the member from Rainy River, a member who knows the hydro issue very well. He always speaks with passion when it comes to issues that affect the general public.

I think the government has finally come to realize that they couldn't hold on any more with respect to doing something about the high hydro rates, and they did—I don't know if what they did was too little, too late, but at least they have shown some sympathy for the seven years of inaction that have brought us to this particular situation.

At this time I think the general public out there—and when I say that, I mean the business community, the farmers, seniors, a range of people—want a little bit of a break, a little bit of a respite from this particular situation. They have been bombarded in the last few weeks—not even months; a few weeks—about the aggressive campaign that we have both sustained in this House with respect to the hydro situation. Now they have introduced this bill that deals with the pricing, if you will, the conservation and the supply of hydro. I don't know which one is more important than the others, but I think all three go hand in hand and I don't think we can obtain one without the support of the others.

The government must be seen to be doing something, and not just subtly by introducing another bill in this House. We would love to go out for public hearings and give the opportunity to those people out there to really have their say. But having gone through the last few weeks, I think we know extremely well, both on this side and the other side of the House, where the people stand with respect to the hydro issue. It's about time we did something about it.

**Mr Michael Prue (Beaches-East York):** I listened, as always, with great pleasure to the leader of the New Democratic Party. When he speaks about hydro issues, he always does so passionately and he does so with a knowledge that sometimes makes people on the other side uncomfortable. But the reality of what he had to say today is that the municipalities are starting to suffer. Start to listen to the mayors of some of the municipalities in the GTA, and they will tell you what is happening to their individual hydro companies. They will tell you that the profits they have made in the past are not going to be made again, they will tell you that the debt is going to accrue to them and not to you, and they will tell you as well that the profits that used to flow to the municipalities will no longer do so. This is of very grave concern to those municipalities which are suffering a great deal due to lack of financial control, which are suffering a great deal because there is no money and which are suffering a great deal because this government, and the federal government as well, will not give the necessary monies to handle the downloading of services that have been given to them.



I listened as well to the leader of the New Democratic Party talking about adding to the debt. My God, we know that we should not be adding to any debt. The debts are horrendous enough as they are, and they are the responsibility of all previous governments; not just the NDP government, as some of the hecklers opposite would say, but of your government in the past too, when bad decisions were made to build nuclear plants, and they were bad decisions. They were built at enormous cost overruns. The taxpayers will pay for them forever.

We cannot add to the debt and we should not add to the debt. Your pegging the price at 4.3 cents will only add to the debt on nights like this, when the electricity bills are going up to 20 cents. You have a choice of higher debt or higher taxes and you've obviously chosen the higher debt. You should be ashamed of what you are doing.

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the Minister of Labour from Stormy Creek.

**Hon Brad Clark (Minister of Labour):** Stormy Creek? It's Stoney Creek.

For three and a half years now I've listened with interest to the NDP, whenever they spoke ill about privatization and how, when they came in here in the last three and a half years, it was always "Private sector: bad." Yet, when you were in government, I can recall your allowing the privatization of sewer and water treatment in Hamilton. I can recall Ruth Grier cancelling water inspection schools, the schools that actually taught water inspectors across the province. They eliminated that. I remember these things vividly, but for some reason, when they're no longer in government and they're in opposition, they stop thinking rationally and pragmatically. They start thinking like the opposition and they just criticize everything.

But I will give you credit. You've been consistent on hydro since day one, consistently there with your position on hydro, travelling around in your environmentally friendly bus—I'm sure it's environmentally friendly; I have no doubt it's environmentally friendly—travelling all over the province, scaring people, telling them all summer long that the lights were going to go out and there were going to be brownouts, blackouts and the world was coming to an end. You didn't offer any solutions other than going back to the past.

Yet on this side of the House, where the Liberals are, they didn't have any solutions at all. As a matter of fact, the day we rolled out our solution of a rebate, the day we rolled out our solution of a price cap, the day we rolled out our solution of conservation and investment incentives, what did the leader of the loyal opposition say on 900 CHML? He said, "It's better to do nothing than to do what they've done." He'd rather have higher prices. He would rather have the consumers paying through the nose. That's what he wanted. He didn't have any solutions. All he wanted to do was criticize. He had nothing to offer. At least they give you consistency.

1910

**The Deputy Speaker:** The leader of the third party from Kenora-Rainy River has two minutes to respond.

**Mr Hampton:** I want to thank all members for their comments. I want to go back to the IMO report, the Independent Electricity Market Operator's report, on today's market. I want to read just a couple of other things into the record.

"Adequacy note": this is the IMO talking about, first of all, the capacity shortfall in terms of electricity supply. The IMO says that capacity shortfalls for the hours of 5 pm, 6 pm and up to 10 pm are 322 megawatt hours. Then in another adequacy note they note an "energy shortfall of up to 391" megawatt hours in hours 6 pm until 10 pm. This should cause great alarm to people. What the IMO is essentially saying is that there is not the transmission capacity right now and there is not the generation capacity to meet demand. In other words, Ontario's hydroelectric system, as we meet here in the Legislature tonight, is, as the IMO says, operating in a state of emergency.

In some parts of the province tonight it is more than 20 below Celsius. People who have to rely upon electric heat or people who need to rely upon access to electricity in order to ensure that the natural gas system works or the oil system works are at risk tonight. That is what this government is trying to hide. I say to this government that it is still not too late. Do the right thing: cancel deregulation and privatization outright instead of trying to—

**The Deputy Speaker:** Thank you. Moving in rotation for debate, the Chair recognizes the member for Bramalea-Gore-Malton-Springdale.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** Thank you. In fact, it is a pleasure to speak on this bill, which is on electricity prices and consumer protection. We have spoken to our constituents. I'm sure your constituents called you and I'm sure every member of provincial Parliament had calls and it was important to take a decision. I stand before the House to address an issue that has been, and continues to be, on the minds of many Ontarians: the price of electricity in our province.

Over the past four months many Ontario families, farmers and small businesses have experienced significant increases in their hydro bills. I think we, all of us, as consumers have also felt the same. The government is listening. They have listened. We've always put electricity customers first, from designing our new electricity market to consumer protection to safeguarding our future electricity supply, thereby ensuring that safe, reliable power will continue to be supplied to consumers. With this in mind, the government has introduced this proposed legislation to lower hydro bills.

We have certainly heard from people. They were quite anxious, and they were waiting to see if the government was going to do the right thing. I'm pleased to report that people are happy. No matter where they stood on the spectrum of things, they're quite happy with the proposed legislation.

This proposed legislation, if passed, would lower the price that families, farmers and small businesses pay for power to 4.3 cents per kilowatt hour, effective December

1, 2002, and freeze it there until at least 2006. Many people in the opposition have sort of accused us, as they always do, that perhaps this is a smokescreen. Somebody could construe that to be so if this was a temporary, one- or two-month measure. It's not. It's a long-term, well-thought-out solution up to at least 2006, and it could go on.

*Interjection.*

**Mr Gill:** I think the member for Trinity-Spadina even agrees with that. He knows it's not a temporary solution. It says it could go on further.

Four point three cents per kilowatt hour is the price consumers were paying before May 1, 2002. In fact, depending on what day of the week or month it is, Liberals have been all over the place in their position, but I think they also accept now that 4.3 cents per kilowatt hour is the right price, and they agree with that. Now, tomorrow they might change their minds; I don't know.

We have also proposed to refund the difference between the 4.3 cents and what consumers actually paid, retroactive to May 1, 2002. Just a few minutes ago in what we call two-minute hits, the member for Beaches-East York—I was going to say Beaches-Woodbine, but I guess that has changed—was saying that because we are going to be regulating the price at 4.3 cents, municipalities may not be able to make a profit. That was quite interesting, because it may be about the only time he's said profit is good. He always thinks profit is a bad thing in Ontario. He's saying municipalities should be able to make a profit. We're saying the same thing. We're saying that if they want to, they should come forward and say, "Do you know what? We're going to run our utilities for a profit."

We've heard the concerns of some who were afraid their power would be disconnected because they couldn't pay their bills. Should this proposed legislation be passed, no one would have their power disconnected until March 31 next year, 2003, for failure to pay their hydro bills. There was another issue the other day that people thought they could get away with not paying their bill. As I understand it, they must live up to their obligations. If they have the means to pay, I certainly urge them not to go into any kind of arrears, because that means more interest charges. They're not going to be able to get away with it anyway.

Anyone disconnected after November 11 would have to be reconnected at the utility's expense, and the utility would have to pay any direct costs incurred by the consumer as a result of the disconnection.

We are putting forward these measures to protect the consumers of Ontario. Under this proposed legislation, not only the price of the power itself but the price consumers pay for delivery of electricity would not be increased beyond current levels. Many people have asked, "Why should I pay a monthly charge just for being a customer?" I suppose that's a good question. Why do fixed monthly charges for residential electricity consumers range from \$5 to \$25 per month?

*Interjection.*

**The Deputy Speaker:** Order. I wonder, member for Trinity-Spadina, if you have your Christmas cards or something that can keep you otherwise engaged, because I'd like you to stay around. But you're testing my patience. Get somebody to get your Christmas cards or something. I'd like you to stay around.

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**Mr Gill:** I guess you're a little further away than I am. He is writing Christmas cards. He is doing that. Maybe somebody can pass him more of them. He's going to leave now, I guess. He's going to see me on television.

To answer this question, to ensure charges are reasonable, the government is ordering an independent review of how the charges on electricity bills are calculated.

Somebody said to me the other day—and this is something for the government, the utility companies and power distribution companies to think about—that perhaps there's too much information on the electricity bill. Even though the purpose of having enough information is so that the consumers understand what they're really paying for, many people have complained that maybe there's too much information.

It's like going to a garage to get your car fixed. You look at the bill and say, "Well, \$20 for an oil change, \$40 for tire installation, \$2 each for tire disposal, \$1.50 for the environmental fee to dispose of the oil." A lot of times consumers say, "I don't need to know. Just tell me what my bill is: \$85, \$90, \$100." Sometimes, with that much of a breakdown, people say, "I don't know if I'm being burdened by all this," even though the intent is quite the opposite. The intent is that consumers should know what they're paying for.

We have listened to the people of Ontario and recognize that there's confusion regarding the format of electricity bills. In order to remedy that situation, we would create a standard province-wide electricity bill that all of us could read and understand, just like we did with school report cards. I think that's a very important point.

Just a few minutes ago, I had the pleasure of meeting people from the Ontario universities. Minister Dianne Cunningham is having some working meetings with these people. A lot of members opposite have been fear-mongering, as they have been about electricity. Even when we gave back \$200 to each taxpaying consumer, they didn't like that.

In this particular meeting with the Ontario universities, naturally the question about the double cohort came up. As I've said many times before, my daughter Sonja is part of the double cohort. She's quite enthusiastic. She's not at all concerned or confused or scared about getting into university.

I was quite fortunate that I was serving as parliamentary assistant to the Minister of Training, Colleges and Universities when this whole issue of the double cohort was going on. So I'm quite happy that directly from the university presidents just a few minutes ago, at about 6:45 pm this evening, we heard that the situation is fully under control, and each and every child who wants



to go to university and is eligible to go to university will be able to go to university.

Our long-term plan will include measures such as tax incentives and tax holidays to promote conservation, encourage alternative fuels and support clean electricity production. I'll be very honest with you, Mr Speaker, as you know I always am. We at home—I think it was my fault—would always be flicking on the switch to make sure there was plenty of light in the house—the house should look lived in. But ever since we realized that resources are limited, they're scarce, and you don't want to be overusing them, I'm the first one to make sure that if electricity is not needed, then the lights are off. I'm quite happy to say that right from school-age children to parents to seniors, people are now starting to realize, as people all over the world already knew, that we must conserve and that we must look at alternate types of fuels—hydrogen fuels, battery-powered cars. I was quite pleased in the summertime to unveil, with the help of Ford Motor Co, one of their hybrid cars. With the prices going up, I think more and more of that kind of energy will be used.

Our approach is to protect Ontario's electricity consumer in the short term, while at the same time, continuing to work toward a longer-term solution that keeps prices reasonable and ensures a stable supply of electricity in Ontario. Some of the measures I've mentioned, such as sales tax rebates for consumers on certain energy-efficient appliances and solar panels, are also included in this bill.

There are a lot of things people can do without, but electricity, unfortunately, is not one of them. It has become a necessity—including businesses. To grow, businesses must have the required power. Ontarians rely on having a safe, secure and plentiful supply of electricity. Just as other necessities such as groceries aren't taxed, we don't charge provincial sales tax on electricity. We believe that the federal government shouldn't tax it, either. Ottawa must remove the GST from our hydro bills. I think that is a fair concern, a fair thing to ask from the federal government. This federal policy is gouging Ontario consumers every month. The people of Ontario have told us they resent being gouged. We will continue to pressure Ottawa to remove the GST from electricity. However, the people of Ontario need the help of the Liberal members opposite to bring sense on this issue to their federal colleagues. I have not heard much from the members opposite that they have been pressuring the federal government, which by the way, needless to say, has the surplus funds, including funds from EI. As you know, EI insurance is based on need. You should only be taking in the premiums you need in case you have to pay out some money. But they have been accumulating, and I believe it's now a \$7 billion or more surplus, and small businesses have told us that it is affecting them when they make their hiring decisions. Once they realize the taxes over and above that they have to pay to the federal government, they decide to perhaps postpone some of these permanent hirings. So it's important for us to put

pressure upon the federal government to only take in just enough money for EI and not to tax the people of Ontario more than they need to.

Our government has acted to correct the mistakes of previous administrations. As a fiscally responsible government, we will continue to repay the \$38-billion debt created by mismanagement and inefficiency at the old Ontario Hydro. We plan to accelerate payments as soon as new supplies of electricity are on stream. I have been talking to companies like Sithe Energy, originally based out of Oswego, New York, which is planning to build an electricity plant in my riding of Bramalea-Gore-Malton-Springdale at a cost of \$1 billion Canadian. That is a great sum of money. I'm glad the plant was planned in my riding for the benefit my constituents as well as for the benefit of all Ontarians. I think it's very important I'm pleased that they are planning to have more electricity on-line, because consumers need it, small businesses need it and big businesses need it. We have to have an ample supply.

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When both oppositions, the official opposition and the third party, fearmonger that there'll be brownouts and blackouts—they've been saying that for about a year now, and that did not happen. As soon as the Pickering nuclear station comes back on-line, we're going to have plenty of power, as well as from the companies that are starting to produce more electricity. Also, when we start producing more electricity, slowly we're going to phase in clean power and phase out the coal-burning generating capacity. But we have to balance that. I think when you are in opposition, you can promise all kinds of things. Within the next few minutes, they're going to get up and say, "It's not soon enough. We will be stopping the coal-burning power-generating stations next year." Then again, they change because they realize that there won't be enough power. Then they realize that it'll be them whose policies really mean brownouts or blackouts.

I just mentioned briefly the \$38-billion debt. I think it's fair for the people of Ontario to know who's responsible for that debt. Obviously, responsibility lies with successive governments and management teams who operated Ontario Hydro in the red. But we too as individuals bear some responsibility to fix the problem. After all, every one of us who has used electricity in the past decades was using power paid for by credit card. This government took action to restructure the old Ontario Hydro so this would never happen again. But the billions on Ontario Hydro's old credit card still need to be paid off. We can't just ignore that \$38-billion debt. Not only do we have a debt repayment plan, but in the medium term we hope to accelerate repayments as soon as new supply is on stream. We've listened to the people of Ontario and no one has told us that they wish to go further into collective debt. Reducing and eliminating this debt is an important priority for creating Ontario's future electricity system.

The proposed legislation I've just outlined describes our government's plan to provide relief to Ontario's

electricity consumers in the short and medium term, but we're not stopping there. Our government is also taking a long-term systematic approach to ensuring that the supply of electrical power in the province of Ontario is abundant, stable, secure and accessible to everyone.

**The Deputy Speaker:** Comments and questions?

**Mr Pat Hoy (Chatham-Kent Essex):** I'm pleased to make comment on Bill 210 here this evening. My voice is a little bit challenged; I have a sore throat and a cold going here. But I do want to speak up on behalf of comments made by constituents in my riding. Certainly they feel, I say to the member opposite, that the GST should not be charged on this particular part of the billing that is coming forth from this government. I know that the government opposite will say to us, "You should speak to your federal member." If I thought for one moment they would not be partisan about that, we would say that perhaps in certain cases we have. But I think the government would spin that result most conclusively. They would say, "Well, the members opposite think that the federal government is bad," and if we do not say anything, they will say, "The members opposite think that the federal government is bad." The point here is that this government had a choice in how they determined this would be applied to the billing, and they chose not to do the right thing. Therefore, the federal government was only applying what was natural in that case: to have the GST put on. This government should remove that from those billings.

I have to say that my constituents have called me swiftly, vigorously and most negatively on the mismanagement this government has put in place in terms of hydro. Mr Eves, on occasions, was going to sell Hydro One, then selling Hydro One was not going to occur, then Hydro One was going to be back on the table for some kind of discussion, then he wanted Bay Street to figure it out for him, then he wanted to keep it a public corporation, then the Premier introduced legislation to sell Hydro One, then he wanted an income trust, then he killed the IPO option and finally he literally sawed Hydro off and decided to sell it.

**Mr Prue:** In case the member from Bramalea-Gore-Malton-Springdale thinks I believe that "profit" is a new word, suddenly discovered since I have been sitting in this seat, I want to tell him he does not know history very well. He should know that, as the mayor of East York, I went through five successive budgets with no tax increase, built the only factory in all of Metropolitan Toronto in those days during the recession, had work being done and debts being paid off so that by the time I left after but five years the debt had been reduced from some \$12 million to less than \$4 million and would have been completely finished had we not been suffering the ignominy of amalgamation.

I want to tell the member opposite as well that when I was sitting on the board of East York Hydro we used every single cent to put up new light standards and rebuild the system until it was in absolutely excellent condition. It was this government, though, after amal-

gamation and after downloading, that asked the municipalities to restructure and start to make profits, and you will see that today Mississauga Hydro is required to make a profit, as is Toronto Hydro, as are all the Hydros. It was this government and their bill that did it.

Since amalgamation, municipalities have come to rely on the monies from those profits. It's one of the ways they have used not to increase taxes. They have done it in your own riding. That is where the money comes from, in Mississauga and in Brampton, so that taxes have not had to be raised. You cannot suddenly take that money away without expecting the municipalities to pay.

I am suggesting to you that it is a wrong-headed solution. "Profit" is not a dirty word. "Profit" is a good word when it is used for the benefit of the people. It is a bad word when it is used to the detriment of the people, as you are attempting to do in this very misguided Hydro fiasco.

**Hon Frank Klees (Minister of Tourism and Recreation):** I just want to compliment my colleague on what I thought was a very reasoned contribution to the debate on this bill. He spoke to a number of issues that I believe are important to people in the province: first of all, the reason for having to take this step. He also spoke, I think, very practically to the responsibility all of us have in the province to deal with the reality that for many years governments of all political stripes have, quite frankly, not had the courage to do the right thing relative to the energy file. The fact is that successive governments have allowed the debt to continue to build up simply because, as I said before, they didn't have the courage to go to the people and say, "Look, we have a problem. You have to pay more for your energy."

When you compare what Ontario has been paying with other jurisdictions, whether that is in Canada, in the neighbouring United States or anywhere else, we have been getting a good deal. In fact, we've been getting too good a deal. We have been paying far below the cost we should have been paying all along. Governments have allowed the debt to build and have been pulling the wool over the eyes of consumers.

Finally, what we're able to do now is at least begin to meet this issue head-on. For the first time, consumers understand we have an issue that has to be dealt with. This bill is beginning to deal with the issue. It is only the beginning, because the day will come when the people of this province have security of supply at a competitive rate that is the true cost of delivering this essential commodity.

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**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm happy to have an opportunity to comment for a couple of minutes on the remarks made by the member from Bramalea-Gore-Malton-Springdale. I find it interesting that earlier in the debate this evening the Minister of Labour talked in rather glowing terms about all this government was doing to address this issue. What I think is really important for all of us here this evening to remember, for the people



who are listening to these proceedings, is who created the problem. This is the government that created the problem. This is the government that, on May 1 this year, opened the market. Certainly there were very serious warnings on this side of the Legislature that there was not a secure supply that would make that a safe venture.

Obviously, over the course of the summer we were able to see what happens when there is not a sufficient supply in the market. It means that during those peak periods, we consumers, the people of Ontario, are required to pay the peak price per kilowatt hour. The consequence of that is that in September and October our constituents let us know the result. They were seeing that in their hydro bills. So of course the government was sent scrambling.

The member did mention in his remarks that he has spoken with constituents. I would suggest that he heard from constituents. He didn't go out looking for it; they went looking for him, as they did for every other member of this Legislature. That's what this bill is all about.

The Minister of Tourism, I'm very surprised, indicated in his remarks that Ontarians have been getting too good a deal, and that's what this legislation is all about. This problem is not over. The opposition is not fearmongering, and I do believe we continue to have a serious supply problem in Ontario.

**The Deputy Speaker:** The member for Bramalea-Gore-Malton-Springdale has two minutes to respond.

**Mr Gill:** I want to sincerely thank the members who took part in responding to my comments. I think it's essential that they not only listen, but try to fathom what's said. Maybe some of them weren't listening intently, because I don't think when they answered back they quite—

One of the things the member for Chatham-Kent Essex said was that he agrees with us on the GST. I think that's a good thing. It's not about being partisan or non-partisan. If it's the right thing to do, then I certainly urge the member to go back to his federal counterparts and say, "Listen, we have to stop this."

It's the same with Mr Romanow's report, which came out the other day. It talked about the transfer of health care dollars. We've been saying for years and years that it used to be a 50-50 proposition; then it became 18 cents; then it became 14 cents. We're urging the federal government to pony up.

The member from Beaches-East York talked about profit. It really is the first time I've heard him talk about profit as a good thing. I agree with him. I think it's a very good thing. I think people have to make money so they can set up their shops and set up their businesses, and we have to have a competitive marketplace. That's why we want to make sure the supply of electricity is ample.

I also want to thank the Minister of Tourism, who took time out of his busy schedule to talk about issues. He said that perhaps every government has had responsibility. I know the member from Beaches-East York forgot to mention that it was under his government in 1990 that the debt went to \$29.4 billion. I think they have to own up to that.

**The Deputy Speaker:** Further debate?

**Mr Ernie Parsons (Prince Edward-Hastings):** I'm pleased to speak to this bill. I was shook up a little bit a few minutes earlier, though, when the member for Bramalea-Gore-Malton-Springdale accused this side of the House of fearmongering. That rattled me, because I know each one on this side came to contribute positively to every minute of the debate. So I went and checked the dictionary at the back of the House. If what we say actually comes true, then it's not fearmongering, so I feel much better, because I know members on this side of the House have said for months and months, or indeed years, that if you implement the hydro plan you want, prices will go up. Well, you may have accused us of fearmongering, but the prices did go up, and that's why we're here this evening. Ten years ago no one would have envisioned this debate taking place.

I have a four-year-old at home who, no matter what mechanical toy I give him, takes it apart immediately and then sees if he can put it back together. Although that's amusing with a little wooden toy issue, at the provincial level you people are taking education apart and then you're trying to see if you can put it back together, but you've got some pieces left over. You took health care apart and then you're trying to see if you can put it together. You want credit for trying to put it together, but you don't want credit for taking it apart. You took Hydro apart. I mean, yes, this is your bill trying to fix your mistakes, but you took Hydro apart with no planning. To you, this province is a giant science lab. "Let's try something. Let's see what happens if we do this."

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's experimentation.

**Mr Parsons:** It's experimentation. It's of interest to see what actually makes this thing work. "Let's take it apart, and after we've taken it apart, then we'll put it back together. Then we'll do a study to see what will happen if we take it apart and then put it back together." Every government prior to you did the planning before, did a study before and said, "What happens if we do this?" You do the opposite and say, "Let do it, and then let's study and see what we did." The people of Ontario paid a very dear price for that.

I would like to paraphrase a statement, though, that was made earlier: you as a government had the courage to do the wrong thing. You have done that over and over. There is concern about Hydro's debt. I believe I am correct that at this very instant the debt continues to increase. You did all of this to tackle the debt, but the debt continues to increase. Please explain to me the logic that would have caused all the pain and suffering and unnecessary expenditure and yet the debt continues to increase.

As always, we've got to find someone else to blame for the problem: the whole problem of electricity rates in Ontario is the GST that the federal government collects. So, first of all, we're really looking at the 7% on just the debt portion. But even that 7% on the debt portion is an unnecessary expense.

You passed the Taxpayer Protection Act. That was one of the cornerstones of your legislation. Granted, you broke it in the budget this spring, when you deferred tax cuts, but a promise made is only a promise kept for a certain number of months. So you broke it once. I suggest you break it again, because your unwillingness to break it is causing every citizen in Ontario to pay GST if you don't. If a government takes and extracts money from citizens to pay off a debt, that's a tax. Try saying that word to yourselves, maybe all alone and then gradually in groups. It's a tax. The money you're collecting is a tax to pay down the debt. All you have to do is acknowledge that, because the GST is not charged on a tax. It is your unwillingness to set it up properly that causes that GST to be collected. You could fix it without any involvement from any other party. You could fix it by simply admitting that you have levied a tax and you have got to charge taxpayers money to pay it down. Just do it.

We've heard the comments from members on the other side that there will be no disconnect taking place until the end of March, but people had better pay or else. You're in the same calling as I am: people want to do the right thing in Ontario. Our citizens want to do the right thing. But what you have lost touch with is some of the incredible poverty that exists in this province, poverty that in many ways you created. Ontarians who are on the disability support plan, who've not had an increase in 10 years, are faced right now with decisions such as, "Do we have a Christmas for our children or do we pay the electricity bill? Do we buy heating oil? Do we buy food?" The absolute maximum that a person on ODSP receives is \$930, and with the increases that have taken place—I mean, yes, you've frozen the cost of electricity at 4.3 cents a kilowatt hour, but you've also frozen the delivery charges at the highest rate that they've ever been in history. There are people in this Ontario, people you either don't know about or choose not to know about, who can't pay their bills.

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Your plan will get them through the winter. That will get them to the end of March. I would suggest to each and every one of you that a person will do what they have to do to buy food and clothing for their children and to provide shelter. I am concerned, and I believe that there will be people who do not pay their electricity bill, not because they're bums, not because they're trying to skip their obligations, but because in these winter months they've valued a coat for their children higher than they have electricity. Electricity can be put off until the end of March.

I challenge you, what's your plan at the end of March for the people who have been unable to pay their electricity bill over the winter? What are you going to do? Are you going to set up extra money with the social services departments? Are you going to put them out on the street? Are you going to disconnect? Even the spirit: people thought you meant no disconnects as of a certain date. We're still hearing about people having their

electricity cut off in temperatures of minus 18 and minus 20 degrees.

I challenge you, what are you going to do? These aren't numbers. These aren't a small percentage of the people. These are real, honest-to-goodness men, women and children who, come the end of March, are going to have a major struggle to pay their electricity bill. You don't plan ahead, but I'm asking you in this case to please do that. Please make a provision that no child spends a night in a house without light or heat, or is thrown out on to the street. I'm imploring you to think about that.

I applaud the standard bills. I think we had it best exemplified when the Minister of Energy couldn't read the bills, as they come now to understand the complexity of them. Let's get a bill that the Ministry of Energy can read and then we'll be OK. But that isn't the problem. I haven't got a lot of calls from people saying, "I can't read my bill," because they sure could read the bottom number. In the bottom number, the fixed costs alone were more than their total bill used to be. That's the issue.

You can so easily lose touch by being here in Queen's Park with what the real issues are out on the street and in the communities. As people have done very well in this province for the last seven years, others have done very poorly. Working families in Ontario have struggled over the last seven and a half years. Yes, make the bill stand-ard, but make it so they can afford to pay it.

The rebates: everybody is counting on the rebates. The rebates are to help people with their electricity bill. It's going to come right before Christmas, when there will be severe temptations to spend it on other things. Am I correct that the Premier said it would cost about \$4 million to process the cheques and sent them out; \$4 million for paperwork? You people have a Red Tape Commission. You need to talk to it once in a while and say, "We've finally found an example of blatant waste in red tape and paperwork, and it's mailing out." Actually, it's not the first one. I guess the first blatant waste would have been the \$200 cheques that went out a couple of years ago.

If you want to help the people with an electricity bill, credit their bill with the money. You don't have to do all of the mailing; you don't have to process all the cheques or do all the envelopes. This surely can't be an election ploy on your part, just to get a cheque with the Premier's name on the bottom when it goes to a house. I'd like to think that you really, genuinely wanted to lower electricity costs. Take it and credit it against the bill, where it really and truly belongs, and have that done with.

You talk about capping the price at 4.3 cents. You didn't cap the price; you froze it. You froze it at 4.3 cents. I have an analogy to that: one of the struggles of farmers is always that you have to pay whatever others charge you if you want to buy equipment, a milk tank or anything. Others set the price when you buy the feed and the fertilizer and then others set the price when you go and sell your product. You're caught in between. Others tell you what the milk and cattle are worth. Farmers are in the dilemma of not having total control over the prices.



You've now got control of what you sell it at; you're going to sell it at 4.3 cents, but you don't have control over what you're buying yet. The fundamental problem, the problem that you knew about or should have known about, is that there is not enough electricity produced in Ontario. It's as simple as that.

I cannot comprehend how a government could proceed forward in the belief that their energy is sufficient when their appointed individuals did not tell them that the nuclear plants are not all up and running. We have a contract that this province has signed with British Energy. I don't know if it's fully public. One of the reasons you people privatize is to remove documents from freedom of information. It isn't to save money; it is to take things behind closed doors. But surely you were sharp enough when you did the contract with Bruce nuclear to put a clause in there that said, "You should mention to us if your plant's not producing electricity any more." Regardless, I would have thought the Independent Market Operator would have noticed there was no electricity coming out of there for months. That would be a clue. If you don't get power from it, it's probably not working.

*Interjection.*

**Mr Parsons:** The minister didn't know about it; no. No one told him. But the Independent Market Operator, who was very independent on this, chose to tell no one that Bruce nuclear in fact wasn't producing power.

You don't have control over what you buy electricity at. You can only control what you're selling. Don't even try to tell me you're buying it at 4.3 cents or less. Don't even start to go down that road, because you're paying more.

You don't have to be a very sophisticated business person to know that if you're buying it for more than you're selling it, there has to be something come in between. Are you going to put up taxes? Are you going to add to the debt? I haven't seen a lot of that in your press releases as to exactly where that difference would come from. I think the people in Ontario are pretty interested because you're continuing to run up the debt that our children, grandchildren and great-grandchildren will pay for.

When you first started with your hare-brained scheme to totally deregulate it while you're short of electricity, you put not just families, businesses, small corner stores and large industry at risk; you put the entire economy of Ontario at risk for your little experiment. Thank goodness you got caught before we got through the winter and you acknowledged you had to do something. Most people in Ontario are suspicious that your solution is a political solution and not a long-term engineering solution to address it.

You've made utilities restructure. If you examined municipalities in Ontario, particularly in rural Ontario, you would have found that their public utility commissions, by and large, were extremely efficient. In fact, in many cases we could say the smaller the utility, the more efficient it is. You told them they had to sell out or

you're going to slam them with a tax of 75% or something by a certain date. It was all artificial to force them.

Remember Hydro One that we've talked about being in debt? You allowed them to borrow \$500 million to buy the small, efficient PUCs in order to consolidate into large, inefficient Hydro One units that now have one central number that's not answered. We've had ice storms in our area, and the police report that the phone just rings and rings, rather than the old model where you could contact someone locally to solve the problem.

You allowed these things to increase and you said to them, "Make a profit." In fact I think you said, "You make a profit up to"—I believe—"9.8%." You encouraged them to make a profit. You encouraged them to restructure. As you downloaded things—"OK, you've got social housing and you've got ambulances, you've got roads, you've got bridges, but you're going to be able to make money on your hydro unit, on the delivery of electricity." You told them that. You said, "Go make some money. We want you to make nearly a 10% return." Actually a 9.8% return is far above average for any other business. Most businesses would be delighted. You said, "Go and make 9.8%."

Who are they making it off? They're making it off our citizens. It's not mythical profit ripped out of the air. You said to these companies, "Go and get more money off our citizens." When you said, "We have a Taxpayer Protection Act," what you really said was, "We're going to get others to collect the taxes for us." PUCs were put into that position.

Now you've taken and frozen—and I don't know exactly where you're going with this and they don't know. Are you going to make them non-profit? If you do that, are you going to take back some of the downloading? Talk about lack of planning. It's an absolute disgrace.

**2000**

We need more electricity. I said earlier, that's a fundamental problem. How are we going to do that?

Well, there's probably a combination. For most complex issues, there isn't one simple answer. There may be four or five or 10 or 15 really good things that work together to solve it. So, how do we get more electricity?

The Ontario Liberals have said very clearly that there's capacity for another generating plant in Niagara, a Beck 3. We've touted that. The member from St Catharines has raised that issue a couple of times a week in this House for as long as I've been here. There's capacity for us to produce more electricity.

I understand your reluctance. If it's publicly owned, it's bad. That does scare me because you're the crew that wanted to sell our water systems next. If we look at your track record on electricity, I fear for where we're going with our water systems. But that's going to be another debate.

You don't want a publicly owned generating station in Niagara Falls, but the people of Ontario do. They want cheap, clean electricity. Is there a role for the private sector in generating electricity? There has always been

some, but who in the world would want to come to Ontario and invest when we have a Premier who says—on April 26, Premier Eves said, “It’s important Hydro One be privatized.” Then on May 2 he said, “It’s in jeopardy; it’s off the table for the time being.” So, if you’re going to invest \$1 billion—maybe it’s going to be privatized, maybe it’s not. I noticed he took it off the market the day before two by-elections, one of which was his, so there may be a connection on that one. On May 8, six days later—he has had six days to think it over—he said that it’s back on the table but he doesn’t want to put timeline on it.

On May 15 he—and I’m paraphrasing, I’m sure you’ll forgive me—he essentially said, “I don’t know what I’m doing, and I’d like to hear from investment firms what to do.” On May 16 he said, “We’re going to make it a public corporation.” On May 30, he introduced legislation to sell it. On June 7, he said, “I want it to be an income trust.” Kind of like a wind vane up there, the direction he’s going, he’s twirling. On June 3, he killed the IPO proposal for the private sector, and then on July 6, he decided that the best compromise is to sell half. “We’ll keep half public; we’ll sell half.”

The private sector cannot even consider investing money into a scheme such as that. Dalton McGuinty and the Ontario Liberals have recognized that it is important that there be some stability, that there be some regulation brought to this and there’d be some planning—not on the back of an envelope; not on the spur of the moment; not based on the latest poll. The people of Ontario deserve the best. We deserve the best in health care, in education, in long-term care, in clean water and in electricity. For our livelihood, for our safety, for our health, affordable electricity is important, and an assured supply is equally important.

Industry would not even consider operating in this province if there’s a possibility of brownouts. At the risk of saying that I’m fearmongering, there’s a very real risk of brownouts in this province. When we had the price cap fixed, we know the amount of money we’d have to spend and we don’t have control over what we’re going to have to pay. A brownout or two in this province would destroy our reputation as a magnet to attract or to keep industries such as auto plants. In a just-in-time system, they cannot allow the line to be shut down. This plan that you have put forward will cause industry to have other sources of energy provided to them.

I’m running out of time and I really wanted to talk about conservation because we’ve had a lot of rhetoric about energy conservation, but we haven’t really seen any realistic plan for it.

This government broke it and is not capable of fixing it.

**The Speaker (Hon Gary Carr):** Questions and comments?

**Mr Rosario Marchese (Trinity-Spadina):** Just a couple of minutes to the member from Prince Edward-Hastings and a little reminder, perhaps, because when the Tories say the opposition is fearmongering, I don’t think

they meant you. They meant the NDP. I think you can be relieved about that. Because, if I recall, it wasn’t the Liberals with a bus going across Ontario saying, “Ho, ho. Privatization is a problem. Rates are going to go up. Be guaranteed of that.” In fact, the Liberals’ lips were sealed.

**Mr Parsons:** I didn’t attack you; I’ve been very good.

**Mr Marchese:** No, your lips were sealed for a whole year. You, Dalton McGuinty, your buddies beside you, your women friends beside you, for a whole year you guys zipped. You could hardly be fearmongering if you don’t say a word in a whole year on the issue of deregulation and privatization—please. Those of you watching, take comfort. It was not the Liberals who were fearmongering about the increase in rates. In fact, Monsieur Dalton McGuinty has been quoted as saying on Focus Ontario, June 1, 2002, “I am in favour of privatization, both in terms of the transmission and the generation.” The reason they were quiet all along and not fearmongering was because they jumped on the wagon with you Tories. It wasn’t them. I don’t remember the Liberals once saying, “Oh, my God, lo and behold, privatization and deregulation is going to hurt. It’s going to hurt you consumers and it’s going to hurt you big.” I don’t remember them saying it once. And all of a sudden, when things go sour, the Liberals are saying, “Oh, my God, you were incompetent.” Boy, if the Liberals were in power, they would have done it right, but the Tories, they just don’t know how to do it. Tell them that.

By the way, I’ll have more to say later.

**Mr John O’Toole (Durham):** I always hate to stand up after the member from Trinity-Spadina because he provides a tremendous amount of energized comment with respect to the issue before us. But Bill 210, for those viewing tonight, is a bill that, if you stay tuned, I’ll be speaking on in a very few moments.

The member from Prince Edward-Hastings took most of the time talking about other things and it’s unfortunate because the viewer wants concrete, substantive debate. The member from Trinity-Spadina is right. This government tried—I will provide some background to this in my comments, but in all fairness, the NDP here on this particular topic have been consistent at least. Some would say consistently wrong, but they have been consistent.

There’s enough time. I can introduce to the anticipated viewer at home this report that I’m going to be discussing at some length, an independent report. It’s the Market Surveillance Panel monitoring report on the IMO administration of the electricity market for the first four months, from May through August 2002. This report was submitted on October 7 and it’s a very, very comprehensive review of a very, very complex situation. I will try, for my constituents and those viewing, to bring some light to the context of the debate, starting with the Macdonald commission report in 1995. NAOP, the nuclear asset optimization all-party committee that looked at nuclear assets and how optimum they were—it’ll actually talk about the opening of the market, the market design committee and some of the design failures.



It's a very complex issue. This government stood up and defended the consumers at the end of the day. This is a government that's prepared to listen and prepared to act.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I hesitate to wade in when one is referencing a book that is hard to pick up once you've put it down. In any event, it's been said that good judgment is based on experience and experience invariably on bad judgment. My mother cleaned it up a bit. She said, "When you mess up, fess up." I think there's a fair bit of fessing up that members from all three persuasions in this House could, on a good day, learn something from.

What I'm hearing from people in my riding—and I think the member from Prince Edward-Hastings spoke around it—is that they expect their government—they have a relationship of trust and motive. On a good day, the people I represent really believe that we're actually here doing the work of the people, trying to defend the common good. To do that, as I talk to my folk about that, their expectations, they say, "Look, if you're going to have that relationship of trust and motive, there are some fundamental things that need to happen." I think this is instructive. You need to be straightforward. When you blow it—and we blow it over here and you blow it over there; fess up to that—you've got to do your homework. They expect that we're going to do our homework here. They expect that we're not going to rush ahead. They expect that an important part of what we do here is listening, not just listening but hearing what's being said, and from that hearing, moving forward in a focused way to make sure that the common good is attained.

**2010**

I'm pleased with much of what's in the bill. I can tell you one thing I am very, very concerned about, a suggestion I made in a letter to the Premier: that we ought to return to a select hydro committee—I'd go beyond that: a select energy committee, because I think the gas rebates are another big issue—where we can set the partisan stuff aside and begin to work together for the common good.

**The Speaker:** Further questions or comments?

**Mr Prue:** I listened to the speaker from Prince Edward-Hastings, and actually I'm going to say some good things. I cannot help but say that in the 14 or 15 months now that I have been in this Legislature, I have seen certain members of the Liberal Party flip and flop on this issue to a great extent, and I have seen positions change literally overnight. Sometimes I have seen positions change right in the middle of the scrum. But I am going to say to the member from Prince Edward-Hastings that he has got it right. He has finally seen the light, just then. I'm hoping the other side is the same.

**Hon Mr Clark:** Hallelujah.

**Mr Prue:** Yes, a modern-day Elmer Gantry over there. He's seen the light.

This whole privatization scheme is doomed to failure. From the very beginning, you started it, and it is doomed to failure today.

As the member from Prince Edward-Hastings said, the fixed charges are now in some cases as much as the cost of the electricity. You have allowed people to take their little slices seven or eight times so that people who conserve energy find that they are paying money for a product they aren't even using. It is going into the hands of people who are gouging them.

There is nothing wrong with profit, but there is something wrong with profit when it gouges ordinary people who have no choice but to buy their electricity. They have no choice in a modern society except to use it.

The member from Prince Edward-Hastings also talked about the disabled, and I'm glad he included them, because these people in this province, who have such a difficult time on the pittance you give them, the pittance that you refuse to raise even though inflation has risen, the pittance you give them even though electricity costs are going up, need to be helped. You should be doing something for them that is separate and apart from electricity, because food and electricity and everything else they need cost more.

**Mr Parsons:** To the members for Trinity-Spadina, Durham, Ancaster-Dundas-Flamborough-Aldershot and Beaches-East York, I thank you. I enjoyed each and every one of you, some when you started, some when you quit. But I got some enjoyment out of each and every one.

The reality is that this situation didn't need to get broken. Things had to be fixed. There was a debt. The debt wasn't terribly unusual, in view of the magnitude of the capital investments.

What we needed was a plan to address the debt. That's what we needed. We needed a plan to address the debt. We needed a plan to have more electricity generated. We didn't need a plan to sell Hydro One to your friends. We didn't need a plan to let generation of electricity go out of the control of the people in Ontario. You undertook a massive reorganization that in 1999 you never breathed a word about to the electors. You didn't give them any warning or caution whatsoever that this is what you were considering.

This is a government that preached and said that you believe in referendums, you believe in power to people. You have stripped all the power that you can away from people. You have had more time allocation motions than all governments previous to this put together. You have rammed through all of your legislation. When you do something as fundamental as electricity supply, water supply or education, you should be upfront about it and talk about it during the election.

You talk taxes, taxes, taxes. Your Taxpayer Protection Act requires that you divulge during the campaign what you do in the way of taxes. It should be much more than that. A government or a political party should have to divulge what they're planning to do with health care. What are you planning to do with the costs for our seniors to live in long-term home care? What are you planning to do to our road system? What are you planning to do to the electricity system? Be up front right

from square one, rather than sneaking everything in through the back door through omnibus bills or simply trying to do it without legislation.

**The Speaker:** Further debate?

**Mr Ted Arnott (Waterloo-Wellington):** I am very pleased to have this opportunity to speak tonight to Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity. This bill was introduced by the Honourable John Baird, Minister of Energy, on November 25, 2002. The short title of this bill is the Electricity Pricing, Conservation and Supply Act.

This bill contains a number of tax incentives to encourage the development of new sources of supply of electricity—energy—particularly from environmentally friendly sources, and to encourage energy conservation. This package is part of a responsible plan for promoting conservation and clean electricity from alternative and renewable sources of power.

The proposed tax incentives are part of a long-term plan not only to increase the supply of energy and encourage conservation, but also to promote clean air in Ontario. We are aiming for green energy, and the proposed measures, including tax incentives and tax holidays, present such an opportunity. It will benefit all Ontarians.

As part of a comprehensive long-term plan to promote environmentally friendly energy, the government is proposing the following tax measures:

(1) A 10-year corporate income tax holiday for new electricity generation from clean, alternative or renewable energy sources, including natural gas, hydroelectric, solar, wind, biomass, hydrogen fuel cell and co-generation. The corporate income tax holiday would be available once the project has been completed and the corporation has begun selling the new electricity supply that it has generated.

(2) A 10-year property tax holiday for newly created assets that generate electricity from clean, alternative or renewable sources, with compensation to municipalities for lost or forgone property taxes. The tax exemption would begin on the date that the eligible facility commences generation of electricity.

(3) A 100% corporate tax write-off in the year of acquisition for the cost of newly acquired assets used to generate electricity from clean, alternative or renewable sources, to be incorporated in planned regulation.

**Mr Marchese:** Good stuff.

**Mr Arnott:** Yes, it is good stuff.

The write-off would be available for corporations that purchase eligible assets after November 5, 2002, and before January 1, 2008. There will be a capital tax exemption, if this bill is passed, for newly acquired assets used to generate electricity from alternative or renewable sources. Corporations that purchase eligible assets after November 25, 2002, and before January 1, 2008, would qualify.

(4) A full retail sales tax rebate for eligible businesses for building materials purchased and incorporated into

clean, alternative or renewable electricity generation facilities and materials used to construct deep lake water cooling systems. The rebate would be in effect for building materials that are purchased and incorporated into the electricity generating facility after November 25, 2002, and prior to January 1, 2008.

We are also promoting energy conservation through the following proposed measures:

(1) A proposed regulation to provide a 100% corporate income tax write-off in the year of acquisition for new investments in qualifying electrical energy-efficient equipment. The write-off would be available for corporations that purchase eligible assets after November 5, 2002, and before January 1, 2008.

(2) Tax rebates to support conservation of energy by the people of Ontario, including retail sales tax rebates on the cost of solar panels and systems purchased and incorporated into residential premises, and a retail sales tax rebate for consumers who buy energy star-rated appliances, including refrigerators, clothes washers and dishwashers after November 25, 2002, and before November 26, 2003.

## 2020

The Electricity Pricing, Conservation and Supply Act, 2002, is part of the government's commitment to protect Ontario's families and businesses. The government remains committed to lower taxes to encourage growth and job creation. That's how we've been able to invest in public education and health care. I'm advised that the economic activity spurred by tax reductions has helped Ontario achieve a total of over one million net new jobs since our government's first throne speech in 1995. In October, employment rose by over 20,000 new jobs. In fact, since reaching the first target that we set for ourselves of 725,000 new jobs in the year 2000, another 283,000 net new jobs have been created in the province.

We know that economic prosperity cannot be taken for granted. That's why we're always looking for new ways to promote economic growth throughout the province. We want to maintain the momentum caused by increased economic activity. The proposed tax measures to increase the supply of electricity and energy in Ontario and encourage energy conservation send a clear message to our consumers and potential investors. The government plans to continue to focus on sound fundamentals such as lower taxes to promote growth and opportunity in the province. Just as we're committed to protecting the people who live and work in Ontario, we also want to attract new investment to our province. These tax initiatives would make Ontario an even more attractive location for investment, and we believe that the proposed energy tax incentive package will stimulate new generation, encourage alternative fuels and support clean energy production.

The government will set the example for the greening of Ontario energy. The government is committed to purchasing green electricity. As an example, we intend to target 20% of the provincial government's electricity usage from renewable sources. We're also committed to



the goal of ensuring that every newly constructed government and other institutional building be energy self-sufficient, using alternative or clean sources of energy.

I want to urge all members of this House to support the Electricity Pricing, Conservation and Supply Act, 2002, Bill 210. We need the support of legislation to stimulate the new investment and supply of electricity, particularly electricity from clean, alternative and renewable energy sources. We need to ensure a continued supply of clean and affordable electricity from renewable resources to our Ontario consumers and businesses. We need to promote conservation and encourage investment in alternative fuel technology. The Legislature's select committee on alternative fuel sources has identified clean electricity sources. We would like to focus on those recommendations while continuing to preserve Ontario's overall electricity supply. Electricity is the most vital form of energy, without which a modern economy could not function. The stability of electricity supply has become even more important now than in the past with the advent of technology and our reliance on electronic data systems.

What we are attempting to do, then, is to make sure that the tax system does not act as a barrier to investment aimed at creating new electricity supply. That is the purpose of this Bill 210. The Ontario government is as committed as ever to bringing stability of electricity supply to the people of Ontario. We know how vital electricity is to Ontario's economy, and that's why we're taking appropriate action to respond to the challenge of investing in new technologies for electricity generation. Once again, I urge all members of this House to support Bill 210.

**The Speaker:** Questions and comments?

**Mr Dave Levac (Brant):** This is a two-minuter, I'm assuming. One of the things I hope the member opposite is taking good note of is the fact that since they announced the tax breaks for energy efficient home appliances, there has been a deluge from that moment on, and it continues today, where an awful lot of people are returning the appliances they just bought. They're causing an awful lot of concern and problems with the industry right now, because they assume that the appliances they've purchased will not qualify for that tax break. So they're causing quite a bit of a problem to the appliance dealers in Ontario. I would hope that this government would take a look at that immediately, and I don't mean wait for any other discussion, but act immediately on this to ensure that the public are receiving the energy-efficient appliances they're already paying for, and to look at a little bit of retroactivity so we can stop this deluge of equipment going back into those stores again and causing an awful lot of flip-flop of those appliances.

I'm going to talk a little about this in my presentation, if I have time at the end of the evening: the old Ontario Hydro stopped, prevented and shut down about 250,000 megawatts of hydro energy creation. It simply bought those little tiny places across the province that were

generating electricity in a very efficient and very impressive way: 250,000 megawatts got shut down by Ontario Hydro. I wonder whether the government is aware of all these places. They're still in place; they just don't have the generators at present. I would suggest to the government if they don't look at that they're making a very big mistake. Quite frankly, we have an opportunity to create about 10% of our power needs, so I encourage the government, which it hasn't done to this point, to reinvest a little bit of that energy that they're spewing at this moment, to look at all those different power plants that were shut down by Ontario Hydro to the tune of 250,000 megawatts of power, approximately 10% of the power that we need today.

**Mr Marchese:** First of all, I can't believe the member for Waterloo-Wellington gave up, surrendered 10 minutes of his time. This is precious time that I would never ever give up in this place. He gave up 10 minutes of his time. Can you believe it?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** Stick to the issue.

**Mr Marchese:** I'm just trying to be helpful, David, so the public understands. Me, I value my time. I want every minute I can get in this place, 20 minutes, one hour, and I don't want to share it with my friends. I'm not a socialist in that regard. I don't want to share my time with my colleagues. This is my time.

They should have Ted, the member for Waterloo, stand up each and every time because—you notice how his voice is mellifluous, certainly not malodorous. He's the kind of messenger you want to stand up there and deliver a message on environmentalism. Did you hear? His voice is so sweet, and he was talking about the environment and all the good things this bill has in it. Give me a break, Ted.

This is about sending a cheque before Christmas to appease, assuage, the people out there, the taxpayers and the citizens who are really, really angry about your energy policy. That's what it's about. It's not about doing a tax—like a credit. No, they need a cheque in their pocket, and they need it before Christmas, Ted. I want you to get angry when you stand up. Don't give me that sweet mellifluous voice and talk about how you're going to fix the environment and come up with some good ideas. Don't give me that. OK? I don't want to hear that. I want you to stand up for this government, stand up and say, "Yeah, we love privatization and deregulation, and we're going to do that after the next election." Stand up and say it. That's what I want to hear. There's no shame in that.

**Hon Norman W. Sterling (Minister of Transportation):** It really is amazing that some of the more experienced and long-serving members of the Legislature somehow feel that the longer you speak the better you are. In other words, volume is all, but salient points to the particular issue, as Ted Arnott has put forward here, don't count. I thought he showed a great deal of grace and integrity, which this member continues to show in

this Legislature by reserving some time for other members to put their points forward.

When I was the House leader some time ago, I suggested to all members that we keep all speeches to 10 minutes. If you can't say something in 10 minutes, you probably haven't got a lot to put forward. Now there are some exceptions, a few exceptions.

This is typical, of course, of the NDP party. They feel that if you have a discussion, you lengthen the discussion, you have more meetings and you have more people talking at the meetings, and you don't resolve anything except when to have the next meeting, you've accomplished something at the end of the day.

2030

**Mr Marchese:** So this is about meetings.

**Hon Mr Sterling:** We're talking about talk. We're talking about more and more talk.

I really find that the member opposite criticizing a member for being salient, to the point, talking about the legislation and showing his unmitigated support for this legislation is really specious. Therefore, I will end early as well.

**The Deputy Speaker:** Comments and questions? The member for Waterloo-Wellington has two minutes to respond.

**Mr Arnott:** It's nice to have two minutes to respond to some of the comments that have been made. I appreciated the comment from the member for Brant. He talked about the issue that's being brought to his attention by people who are selling appliances. I hope he doesn't object to the tax reductions and the tax rebates that we're proposing. I'm not fully aware of what his objection is, but I hope that the government will indeed review the concern that he expressed.

The member for Trinity-Spadina indicated that I have a mellifluous voice, and I appreciate that. I think you have one too. I just offer that compliment in return to you. Yes, I left some time at the end of my speech. I had about 10 minutes prepared to speak, and 10 minutes remained for other members, as the Minister of Transportation pointed out. I do appreciate hearing from other members too.

I have a perspective and a voice as a representative of the people who have sent me here from Waterloo-Wellington, but I also know, Rosario, there are 102 other members of this House who have a perspective and a voice, and should be given an opportunity to speak.

I didn't come in here tonight to filibuster this bill. I came here to offer my suggestions and my views on the bill and certainly—

*Applause.*

**Mr Arnott:** Thank you, to my colleagues over here, some of whom will want to have something to say as well.

The Minister of Transportation offered his view that there's a lot that can be said in 10 minutes. I would remind the member opposite the Gettysburg address was about two minutes long, and it's one they talk about well over 100 years later. So I think there is a lot that can be

said in a short period of time. I left you 19 seconds, Rosario, for your speech later on.

**The Deputy Speaker:** Further debate?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I'll be addressing this House in English this evening. Let me say that I'm quite pleased to be able to speak on this very important bill. I do believe a lot of Ontarians are watching this debate tonight, because we really don't know where we're going with this bill.

It's well known that I don't like to criticize. I have to say there are good parts of this bill, definitely, like the tax incentive, the cap, also the rebate or the exemption of the energy-efficient appliances. Those are good parts of the bill.

But when we introduced this bill on November 25—I was expecting to see this bill presented in this House a week prior to November 25, because on November 11 the Premier had said it was a very important bill and we had to rush it through before it was too late. Why did he say "before it was too late"? Because we knew that small businesses and small families with the average revenue really could not afford those high bills they were receiving.

This government, with this announcement, is saving \$50 million. How do I come up with the \$50 million? According to the Minister of Energy, it is going to cost this government \$700 million to refund or to proceed with the rebate. But when we look at the rebate, at the present time the cap is at 4.3. Just remember, on May 1 we said that anyone who was paying over 3.8 cents after a year, in May 2003, would receive the difference that they have paid over the 3.8.

We remember about two months ago Hydro One proceeded with a request to the OEB asking that the rebate be reduced by 20%. What we did when we made this announcement on November 11 was exactly what we said we would not accept. This rebate from anything over 3.8 cents was going to go back to the consumers—which at this time it is not, because the cap is at 4.3 cents.

When this announcement was made at this Mississauga home, the person who owned this house said, "I will be receiving a rebate of approximately \$150." I have news for the Toronto residents: there will be no rebate for them because they have never paid over 4.3 cents per kilowatt hour. If everyone in Toronto expects to receive this in the mail—it's not refundable, so they will never receive any rebate here in Toronto. Mind you, in the 100 kilometres around the GTA, we have a total of 60 MPPs. We haven't seen the rest of it.

We remember that Toronto Hydro made a request to OEB to increase their hydro rate, which they have kept at 4.3 cents. They have never gone through the increase that has occurred in the rest of the province. We have reached the increase right up to 9.3 cents, 9.4 cents per kilowatt hour. But here in Toronto, we kept it at 4.3 cents. Toronto Hydro has a receivable account of over \$600 million. They said, "We cannot afford this any more."

At this point, I have to say, yes, there are good points in it, but what are we going to do with our local



municipal hydro? Nobody can answer that at this present time. We know that some areas have not been able to meet the requirement ever since they faced this huge increase in the bills they were receiving from Hydro One, because they had to bill the customers according to what they were paying. At the present time, there are some areas where the receivable account is 30% over what it used to be.

In my own area, for example, at Hawkesbury Hydro, Alfred-Plantagenet Hydro, Embrun Hydro and also Ottawa Hydro, the accounts receivable they have are really high. The Minister of Energy said those municipal hydros were just money grabs. I can tell you now that we have evidence that in the city of Ottawa at the present time, ever since the amalgamation—the city of Ottawa does include Sarsfield, Navan, Cumberland, Vars, Lanark, Osgoode. All those small places are still with Hydro One. They would like to join Ottawa Hydro, but according to the law, they cannot proceed with the purchase of Hydro One. The average cost for each of those residents outside the former city of Ottawa is around \$250 a year.

I was talking to a farmer just lately, Denis Perrault. He is a big farmer. He said, "If I was with Ottawa Hydro, my savings would be at least \$3,000 a year."

I really don't know what's going to happen with this procedure that we are going to go through with this bill. I was talking to a bank manager from Casselman just last Thursday. He said, "Jean-Marc, we just can't figure out now how we should set up the costs or the payment for mortgages, because whenever we sell a house, we have to look at how much it is going to cost for the heating and for the hydro, but today we just can't figure out how much it is going to cost for the hydro." We're in a complete mess at the present time. When are we going to know if there is going to be a cap? We are debating the bill at the present time.

2040

Another point that has occurred: this person from Vankleek Hill has good reason for complaining because he's saying, "I am on a budget plan of \$149 per month." And not only is this gentleman on a budget plan; last Thursday, when he called me, he said, "I just got a bill of \$1,648 and they asked me to increase my budget plan by \$100, which will be \$249 per month." And he has to pay that \$1,648 immediately.

We know that the government wants to put on a cap. Why are we not telling Hydro One at the present time not to proceed with those increased budget plans they are planning because of the huge increase that occurred during this past summer? We know that there will be no 6.9, 9.8 or 9.3 cents per kilowatt hour. This government has to advise Hydro One not to proceed with the increases of budget plans that those people cannot afford. They are telling me now that their hydro bill is higher than the mortgage fee they have to pay. Something has to be done.

I was looking at this poor lady from St Isidore here; I have her bill. She used to pay \$106 or \$111 per month.

All of a sudden, she got a bill of \$513. She's an 85-year-old lady receiving a small pension of \$845. She has to pay rent. It's not that much down there, but it's high enough: \$550. With just the hydro bill and her rent, there's no money left for her regular expenses such as groceries.

I have the Glengarry golf course. It's a small golf course. They received a bill of \$7,400. Why have they received this bill of \$7,400? The Hydro One meter reader knew that there are times during the year—September and August—when the hydro rate was going to be high. When July came he went over and took the reading: it was a zero reading. That was an estimated reading he said they got, but they knew that in the previous year that golf course definitely used some kilowatt hours. For two months in a row, they reported zero as an estimated reading. All of a sudden, they got the invoice: \$7,400.

I've got Maxville Manor here. Their increase in September was \$6,542.50. That is when we say, "Heating or the three meals." Those nursing home operators have to make a decision, because we know in all the nursing homes in Ontario the allocation for meals is \$4.49 per day. That's all they get for all the residents of a nursing home. Shame.

Also, at the Maxville Manor that I have here, they have a well. The water is polluted, apparently; they can't use the well. They took the reading: \$15.03 of electricity. Their bill is over \$300. It's the other costs. At the present time, even though we are saying that there is going to be a cap on the hydro—the energy or the commodity, whatever they want to call it—it's the other costs.

I'm looking here at Rocker's Ben Café. His bill was \$1,700.92. The other costs are \$766. I have a lot of examples like this. I've got this one here: it's Pack All Manufacturing, and their bill was \$8,940, an increase of \$2,300 last month.

We ask, is this supposed to be helping the small businesses, the farmers, at the present time? I had farmers that came to one of my meetings. By the way, I had six public meetings during constituency week and I was hearing what people had to say. Some of the seniors came down in tears. They didn't know what to do with the hydro bill that they received. Some of the farmers also came over with a \$2,100 increase. The first thing that I asked was, "Have you installed air conditioning in your barn?" He says, "Are you crazy? A \$2,100 increase. I will have to either sell some of my quota or sell some of my cows to be able to pay that hydro bill." I have a lot of examples, let me tell you.

I did spend four days with the Minister of Finance from Manitoba. He told me, "Jean-Marc, two weeks prior to May 1, not only us, but a lot of other people from the States and from this beautiful country have advised the Premier of Ontario not to go ahead with deregulation." He decided to go ahead just the same.

Manitoba offered some hydro, some electricity, to the Ontario government. They turned it down. I have the letter here, which I did follow up after I spent four days with him. This letter was written to me on November 19.

He says, "At any time we are open to sell hydro to Ontario." Ontario didn't want to buy anything from Manitoba. So Manitoba turned around and sold some hydro to Minnesota; then we turned around and we bought it from Minnesota at the American rate.

**Mr Bruce Crozier (Essex):** That's outrageous

**Mr Lalonde:** It's outrageous, definitely. We know at the present time that we Liberals under Dalton McGuinty are the ones that found that fiasco this government has gone through. When we know that there's been three ministers of energy in the last nine months, it's because someone hasn't done his job. Really, it's the Premier who is to blame for this. The Premier knew all along. He used to be the Minister of Finance and today is the Premier of Ontario. They didn't want to listen to anyone in Ontario. We were telling them not to do it because we knew what happened in Alberta, we knew what happened in California. We said that if you went ahead with your deregulation, we'd be facing the same problem. And today we are stuck with this. We have to try and remedy this fiasco that we are in at the present time. This government is trying to reimburse or pay out the \$38 billion that we are in debt in about 10 to 12 years.

This debt was created, most of it, by the Tory government, who have been in power for 41 years out of 50. Eighty-two per cent of the time, Ontario Hydro was supervised or managed by a Conservative government, and today they're trying to say that we, the Liberals and the NDP, are responsible. I would be very sorry to say you're wrong on this. You're wrong because this fiasco was created by you people and you're now trying to solve it. Solve it not the way your doing it.

Before you decide to go ahead with the corporation tax break, the personal tax break, please pay your debt. If we don't pay this debt, you are going to take away the money that the Romanow commission has recommended be transferred to the province. I can tell you that I'm going to stand up any time that the money the federals transfer to the province—whenever it's money for the purchasing of equipment for hospitals, it should be paid directly to hospitals, not to this province, because this province will use it for their tax breaks.

**2050**

I remember, going back a couple of years ago, that the government had decided—I believe it was \$1.2 billion the federal government had said that we would transfer to the provincial government to buy new equipment. We gave out—we gave out—to diagnostic care, \$9 million, because they had 140-some X-ray clinics in Ontario. They turned around, they sold their clinics and they kept that \$9 million they got. Today we're in a similar fiasco with what's happening with Hydro One.

I could speak for hours on this because, as I've said, we have gone through the sixth meeting. My next one is this Thursday night at the Cumberland Maple Hall, and you can rest assured that we are going to have a packed house in there because the seniors really don't know what they are going to do.

While I had this meeting in VanKleek Hill, this poor family man came over, he said, "Mr Lalonde, I had to

unplug my Frigidaire and put everything—my bottle of milk—outside in a cardboard box, because I could not afford to pay the hydro bill." This is the situation in rural areas.

I had other people, really, who came down and told me: at the present time this small store in St-Bernardin, Ontario—she said, "Mr Lalonde, if something is not done quickly, I am closing my corner store." A corner store of approximately 150 square metres. She's paying over \$1,800 in electricity for one month. This is what we are hit with in the rural sector. Can you tell me how the municipal hydro commission will be able to send out that \$75 rebate and then, after that, when May comes, to pay the balance?

There was a poor lady who was down in my office. I did the calculation of how much rebate she would be getting, and I told her, "Your rebate will be approximately \$259." But this will have to come from a local municipal hydro. This is the way it is all over in municipal hydro. Those municipal hydros just won't be able to meet the requirement. They will have to go to the municipal council and make sure that the municipal council supports their loan that they would sign at the bank.

**Mr Prue:** I listened with great intent to the member from Glengarry-Prescott-Russell, and I would like to thank him, living in and representing an area so far away from Toronto, for thinking about the poor people of this city, because, as he quite so succinctly set out, there will be no rebates in Toronto. There will be no rebates because Toronto Hydro made what was thought to be a fairly good business decision at the start of all of this turmoil that we've had around electricity and electricity rates: to just simply charge 4.3 cents and hope that in the long term things would even out. They didn't want to see spikes in rates for the consumers in this city.

However, Toronto Hydro, because they were unanimous, or perhaps because they weren't the best business people—one could put their own spin on it, I'm sure—has now found that they are in financial difficulty—in fact, financial difficulty to such an extent that their credit rating may be at risk. They went before the OEB along with seven other municipal hydro facilities and asked that the rate be structured and changed but they were denied. In fact, they are starting to look now at financial difficulties. They are looking at costs of going beyond their abilities to pay and municipalities that had come to rely on the monies of those hydroelectric facilities, municipalities like Toronto and Mississauga and a great many others, are finding that the money simply is not going to be there. Those same municipalities, as the speaker said, may have to raise taxes.

Then there is the additional cost: that all of these municipalities will be required to send out cheques, and those cheques will cost a lot of money to print and to mail. Really, the only purpose that I can see is that this government wants the cheques to be there so that their name can be all over it. The reality is that this is a rebate for hydro; it should come right off and be done at considerably less expense.



**Mr Gill:** It is a pleasure again to say my piece about the member from Glengarry-Prescott as well as the member for Beaches-East York.

I think the member from Glengarry-Prescott tried to blame as to whose fault it was for the \$38 billion in debt. We can do all the finger-pointing we want, but I think it is the governments that have to make important, difficult, but necessary decisions. It has always been this government that has been able to make the decisions.

Earlier, I touched on the double cohort. For years and years, every government said, "You know what? Kids are going to high school for five years. It should be four." But nobody was willing or had the fortitude to make that decision. They were afraid to make a decision, because once you do that, you are certainly going to upset the norm or the status quo. But it is this government, and those are the bold steps.

The member for Beaches-East York was talking about the \$75 rebate that people are going to be getting. He was talking in a sort of complaining mode, saying maybe they shouldn't be getting it. Well, I say they deserve and they need all the help they can get.

If people didn't pay any more than 4.3 cents, does that mean they should be getting rebates too? I don't think so. I don't think they should be getting rebates. At the same time, it's the same members who complained earlier on, a couple of years ago, when we realized that we had taken in \$1 billion extra—of whose money? people's money—and we wanted to send it back to them because they had paid us more than they really deserved to pay. So we were happy to give those cheques, and even at that time, these people complained.

**Mr James J. Bradley (St Catharines):** The member for Glengarry-Prescott-Russell I think enunciated many of the problems that his constituents have had with the government policy over the past period of time. They may like the new government policy better than they liked the government policy before November 11.

One of the things I have to say when I look through the legislation, and I think the member noted this, is that there are a number of ideas that have been lifted from the official opposition, so therefore I can't be critical of that. When you talk about some measures that you're moving forward with in terms of conservation, how can I be critical of that? We've been advocating that for some period of time.

My friend Mr Hastings, who was on the committee, will recall us talking about that on that occasion on that committee. I know he will want to give full credit to the official opposition, as only he will, for those purposes. So I can't complain about that.

We brought day after day to the attention of this House that people were being badly hurt by the huge increases they were seeing in their bills. The government has attempted to address this particular problem, perhaps in the long run not as adequately as it might, but certainly in the short run. I was one of the few people who thought the government would actually come forward with this conversion on the road to Damascus, a conversion which

has been quite prevalent in this Legislature, I might add, to be fair.

I heard my colleague as well mention that Manitoba contract that got cancelled. I think it was about four cents a kilowatt hour. For the life of me, I don't know who cancelled that contract, but—

**Mr Lalonde:** It's 3.2.

**Mr Bradley:** It's 3.2 cents per kilowatt hour: a great contract from the province of Manitoba, and somebody cut that contract. I always know the enemy's on the other side, so I don't say who it was, but it happened in the early 1990s.

**The Deputy Speaker:** The member for Glengarry-Prescott-Russell has two minutes to respond.

**Mr Lalonde:** I really thank the members for their comments, but I'd just like to bring up the comments that were brought by the member for Bramalea-Gore-Malton-Springdale. Let me tell you that when we're talking about the 4.3-cent rebate for Toronto, you are already screaming in Toronto because of the high rate for delivery, transportation, the volume charge, the GST, and also the service charge. We've been hit with the high hydro rate and also all the other costs.

**2100**

I just wonder what this government is planning to do with those who have signed contracts with retailers. Who is going to reimburse the retailers the amount of money that will be rebated from the contracts they have signed? The same day as the Premier announced the 4.3 cap, people were knocking on doors selling electricity at 6.75 cents per kilowatt hour. I have a copy of the contract. I don't know. According to this bill, anyone who signed a contract after the passing of this bill would be eligible to pay what they have signed for. You should stop those contracts because they are cheating the customers. I'm told that at the present time there should be a real cleanup at Hydro One with what they're doing. And also at the OEB. OEB is not doing its job when they are giving licences to those guys to knock on doors, harassing people to sign. If they don't sign within 20 minutes, they say they're going to get their power cut off.

This is what we are experiencing in the rural areas at the present time. You have a duty. You should stop all those retailers from knocking on doors.

**The Deputy Speaker:** In rotation, we now begin the 10-minute speeches. I'm looking to the third party.

**Mr Bradley:** I was hoping for 20 minutes, Rosario.

**Mr Marchese:** Me too, Jim. Ten minutes—you know how hard it is.

The Minister of Transportation says, "You can do it in 10 minutes." I can't. I know that he can, but I can't because it takes me a longer time to talk to the citizens who watch this channel. You can't just say all that you want to say in 10 minutes; you just can't. The Tories want to limit me, circumscribe me as best they can. That's why they introduce closure motions, to circumscribe our ability to speak. That's what it's about. It's about strangulating debate. Ten minutes to speak on this bill, when there is so much to say?

The member from Bramalea-Gore says to the public, "You good citizens need the 75 bucks we're going to give you so you can pay for your children's tuition fees." Seventy-five bucks is not going to do anything for the tuition nightmare that students are facing and have faced since you people came into government. Tuition fees have gone up 60%.

Let me explain it to you. In university, it used to be \$2,000 and now it's \$4,500. In college, apparently it used to be \$1,000 and now it's \$2,000-something. I'm telling you that when the member from Bramalea-Gore says this rebate is going to help some poor young man or woman pay for their tuition, it's so laughable I don't even want to talk about it.

*Interjection.*

**Mr Marchese:** But you need to spend the time because when members say this kind of stuff—75 bucks to pay for skyrocketing tuition. It's not very smart, right? You know that. You know that nobody will be fooled, and you'll have two minutes to respond.

If you are in a deregulated program like medicine, dentistry or law, tuition fees have gone up 500%. Oh sure, the 75 bucks is going to help that young man and/or woman. You understand what I'm saying, right? The tuition fee in law now is 12,000 bucks; 75 bucks out of 12,000 is not going to go too far. That's just to talk about tuition.

But let's get back to the issue of hydro, eh, Ted? The mellifluous Ted Arnott talked about how wonderful this bill is going to be. I want to talk about the mess that you people created ever since you came into power—the ideological mess you've caused—because of the ideology that you subscribe to. You love the idea of selling off whatever we own to the private sector. You love selling it off and you people make no bones about it—none of you, the whole lot of you.

The Minister of Labour loves privatization. He's going to get up and speak next, and we're going to hear him, about his love of selling off Ontario Hydro and deregulating. Now let me tell you what deregulation means, Minister of Labour. What it means is you're allowing predators out there, a whole lot of predators, to come to your door, sell you a whole pile of goods, with a contract you can barely understand, usually incomprehensible, most of the time who knows what the hell they tell you, and you've got to pay, good taxpayer. You've got to pay for the mess that John loves. He loves to sell off whatever it is that's public.

He loves to deregulate to the private predators who come to suck the money away that's yours and ought to stay in your pocket, but they, the Tories—Minister Stockwell and others—love to give it away.

*Interjection.*

**Mr Marchese:** Well, because you're part of them and you're here. If you weren't here I wouldn't have mentioned you. I would have talked about the Minister of Labour, somebody else.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Stand up, Rosie.

**Mr Marchese:** I am standing. I am short. I make no bones about that.

**Mr Bradley:** Not short on words.

**Mr Marchese:** In fact, we have a good repertoire on this side of the House. Chris, you were there: do you remember when our leader used to say, "Prices are going to shoot up the roof as soon as you deregulate and privatize"? Chris used to be on the other end, and saying of Howard that he's funny, that he's lying, that he doesn't know what he's talking about.

**Hon Mr Stockwell:** I never said that.

**Mr Marchese:** You wouldn't say that. No, no, no, you didn't say that.

**The Deputy Speaker:** I'm saying you can't say it either.

**Mr Marchese:** He is misinformed. He used to tell our leader, "No, he's wrong, he's always wrong."

Why do you have this bill in front of us then if he was wrong? Why would you give people a rebate if Howard Hampton was wrong when he told you, for two years now, rates would shoot right up?

The Minister of Labour is going to speak after me and others. They're so cozy in their ideological smugness. No, the rates could not go up. They just couldn't. Oh yes, of course, they went up in California and other places in the US. They even went up, good heavens, here in Alberta, but it couldn't happen under the graceful, skilful watch of my friend Chris Stockwell, because he said so. He told us Howard was wrong. It was not going to happen.

The rates have gone just like a snake's ladder, constantly climbing up. You don't hear Chris Stockwell saying any more to Howard Hampton, "You were wrong." He don't say that no more.

**Hon Mr Clark:** It's "any more."

**Mr Marchese:** Oh, you guys are so literate; all graduates of English literature, each and every one of you.

**Hon Mr Tsubouchi:** I am. That's my undergraduate.

**Mr Marchese:** It's your field? Beautiful.

Chris doesn't say any more, "Howard Hampton was wrong"—not he, not anyone else.

When Howard Hampton says these days, "We're going to face blackouts," you have the same riposte by the Minister of Labour and others saying, "Oh, there he goes again, fearmongering. He's wrong." I think we have foreseen what happened on the rates. Howard is predicting that we're going to see blackouts, but Chris smiles and says, "No, no, no, no, it ain't goin' to happen here"—

**Hon Mr Stockwell:** Do the "foreseen" again. That was good.

**Mr Marchese:** "Because we're English professors on this side of the House and it's not going to happen."

It's good to see you, Chris. So they say, Chris Stockwell then and Baird now, "We had a debt before. We had a problem, and the NDP caused it." The Tories didn't cause a thing. They were in power for so long—merciless times—for so long. They introduced Darlington. The Minister of Transportation says, "No, no, no. It



was the Liberals." They take no responsibility for any deficiency.

*Interjection.*

**Mr Marchese:** I know. You didn't do nuthin', Jim. It's all somebody else. Nothing happened in California; nothing happened there. Jim, do you remember when you used to tell them about California dreaming, how beautiful California—

**Hon Jim Wilson (Minister of Northern Development and Mines):** His predictions were so broad they could have come true at any time.

**Mr Marchese:** There's no what?

*Interjections.*

**Mr Marchese:** Yes. I remember Jim saying, "California dreaming, yeah, yeah." Do you remember that song? Jim used to sing it all the time. He ain't singin' that song no more.

**Hon Mr Stockwell:** Any more.

2110

**Mr Marchese:** Thanks. No, you're good, Chris. Klein is good too. Klein came over here and met with Ernie and said, "Ernie, look. I've got some good news for you. We've got a heritage fund in Alberta. That's a problem because this heritage fund builds billions and billions out of the oil reserves. I know you guys don't have any, but do you know what? When we gave them a rebate, it worked. It got us re-elected. You can do the same, Ernie. But don't tell it like that. Don't say it like that. Just say that you listened to the constituents, rates are skyrocketing, even for those people who use less energy, and what you've got to tell the good taxpayers is you've got to give them some money back and send them the cheque—hey, no credit. Send them the cheque. Put it in the mail, because people love getting a cheque."

But you, Chris, you guys are good. What foreshadowed higher rates will also foreshadow the blackouts that Howard Hampton is predicting.

**Hon Mr Stockwell:** I know, I know.

**Mr Marchese:** It can't happen here, Chris, because it didn't happen before. "That's why you, taxpayers, are getting this rebate, this cash in the mail to help you out through the winter. By the way, hopefully you'll feel good because the election is coming in April or May. Please love us." They fixed the water. They're going to tell you they fixed the water. It's the cleanest water in the world.

**Hon Mr Stockwell:** It is.

**Mr Marchese:** Yeah, baby. And now we're going to fix hydro rates, because you're getting a little cheque back in the mail. Then they're going to fix education with Rozanski coming and lobbying you a couple of hundred million. Then the election is coming and Ernie Eves says, "Elect us. We are good again."

The public won't be fooled, Chris. You guys are in deep trouble, deep doo-doo.

**The Deputy Speaker:** I don't think that's parliamentary.

**Mr Marchese:** Speaker, would you like me to withdraw the word "doo-doo"?

**The Deputy Speaker:** Yes, please.

**Mr Marchese:** I withdraw the word and replace it with "septic tank."

**The Deputy Speaker:** No, you can't replace it with anything. But we will have comments and questions.

**Mr Bradley:** Always entertaining, whether one agrees or disagrees, and I happen to agree with what the member had to say in his speech this evening. He is always entertaining for those of us who are here. He tries to involve members of the government. He tries to involve other members of the Legislature. He doesn't simply look at a television camera and speak. He doesn't get up and read the notes that Guy Giorno has prepared for whoever it is who has to read those.

I want to compliment the member on his speech this evening, which not only is entertaining but contains many prognostications which might well come true. He has somewhat of a record to this point in time on his pronouncements and on his prognostications, and I think it may well be that he could be right. There's a possibility, at least. He raises the possibility. He doesn't necessarily say that it's going to happen, but he raises the strong possibility of brownouts in the province during this summer.

Even though the assurance was given—the member knows that the nuclear reactors would be up and running at Pickering, that Bruce was going to be fine; now that Bruce Energy was brought in there was going to be all kinds of supply available to us—we're hoping that there's not a very cold winter in Ontario or an extremely hot summer. The cold winter could be a political problem. My suggestion to this House is that a hot summer won't be because there will be an event that takes place before the hot summer—just at the time those cheques are coming out and a lot of other goodies are being delivered. I think that will be before the summer and I think his predictions will certainly come true.

**Mr Prue:** It's always entertaining, although I am the one person in this place who cannot get to see the speaker's face. But he turns around from time to time and he waves his hands. I have to take my water off the table to make sure that it is not spilled. But I thank him very much because, even from the back, it is entertaining. He really knows how to capture an audience.

The member covered all the basics in his speech. Although he may have deviated in his first three minutes, talking more about education than he did about hydro, he quickly got back on track. He captured it all in the last few minutes when he was talking about the rebate of these cheques. This \$75 that's being sent out, not in the form of a rebate off your bill, which was the logical and cheapest way to do it, but in the form of a cheque, is really not an economic act of this government. It is a political act of this government. It is designed to garner votes. It is designed to fool the public, who think they are getting some kind of gift from this government when in fact all they are getting is their own money back at an enormous cost.

We have said on this side of the House, and in this party in particular, that the costs of electricity would go

up hugely and exponentially as a result of your privatization scheme, and we were laughed at. I remember sitting here and watching Chris Stockwell laugh. Mr Baird laughed and the Premier laughed. Everybody on that side laughed. They were all saying, "The rates are going down. They're going down." This was in the first few months, around May, but it didn't take very long for that whole process to curve up. It's continued to curve up in September and October. Here we are at the beginning of December with the highest rates in the province again. Quite frankly, if we prognosticate about potential brownouts, I think you should be listening over there.

**Hon Mr Stockwell:** My concern in this place always is that those who get up and flail their arms and express outrage through theatrics don't really have any content to their particular position. It's very clear the member opposite is offering up a kind of theatrics rather than content. He waves his arms and expresses concern, but the reality is that that is just a cover for someone who doesn't really have anything concrete to say.

As a minister of the crown, I have generally tried to contain myself and offer up reasoned and thoughtful positions without bluster.

**Mr Bradley:** Starting when?

**Hon Mr Stockwell:** I know Mr Bradley from St Catharines, who blusters regularly in this House, as well as Mr Marchese, who thinks that by simply offering up these theatrics he can substitute that for content, which is not the way to go. The way to go is simply this: we must take a reasoned and thoughtful approach to public policy. Public policy is an intent that we sit down and analyze all the issues before the government and address them in the proper and effective way.

I take great exception to the member opposite taking my name, as well as many others, in vain, prancing about his chair, waving his arms, trying to mimic the member for St Catharines. I think that's unacceptable and no way to behave in this House.

**Mr Levac:** I appreciate the opportunity—oh, forget it. The real Slim Shady, stand up.

What the member was talking about was some of the concerns he's expressing regarding the rebates and the idea that this \$75 is miraculously going to solve the problems of Ontario Hydro. The members on the other side would remember the \$200 cheques that were delivered, to the tune of about \$1.2 billion worth of taxpayers' money that could have been used for health care, the environment, education, and in this case a combination of the environment and energy production.

There's a concern that 250,000 megawatts of power were not tapped into by Ontario Hydro. If we did a little research—and I know the member opposite made notes of that when he made his deputation—we might have the possibility to generate some energy here. There's about 10% of that power that's waiting for us to tap it. In most of the cases, when I did my research project on this, I found out that those particular places still exist in Ontario and we're still waiting for somebody to hook up some generators to that, so that we can generate approximately

10% of the power that's necessary to have; 250,000 megawatts of power that Ontario Hydro shut down. They purchased it and then shut it down because they wanted to do the nuclear power experiment. And that water that could be used to generate is still there and those dams are still there, just waiting for us to put some generators to work to generate about 10% of the power, 250,000 megawatts. I don't know that hasn't been spoken of and I don't know why the government is so slow to figure that out. That generation is here, it's available and we better start using it. This rebate situation hasn't been discussed with the municipalities. They've got an awful lot to say, and I don't know if the government has listened very well to the municipalities concerned about this particular scheme that they've got working.

**2120**

**The Deputy Speaker:** The member for Trinity-Spadina has two minutes to respond.

**Mr Marchese:** I compliment my friends, including my foe Mr Stockwell, who made a very complimentary kind of performance. I loved it; it was beautiful.

But I want to say a couple of things because I've got two minutes. First of all, on the debt, this is the government that said they wanted to fix the debt. Have they fixed the debt? They haven't. What problem did they actually fix? We don't know. We know the problems they've caused, but we don't know what problem they're trying to fix. They're trying to fix a debt that's spiralling because of, first, their incompetence; and, secondly, their privatization sell-off of Ontario Hydro, including the deregulation of the marketplace to the predators these people so love because the pecunia follows them around big time. They haven't solved any debt problem: they've increased it. To solve it you've got to slowly pay it off.

They're going to increase the debt by \$1 billion because of this cheque that they're going to send to the taxpayers of Ontario in the next little while. This reptilian cheque that is going before Christmas to appease them won't sell. People like British Energy must be laughing away in Britain and here. These people they leased Bruce for \$750 million; they want to sell it off for \$1.2 billion. They're going to make a half a billion bucks—predators who are sucking away our energy, making a whole heap of money and taking it away from you as this government increases the debt. This bill is about you getting a cheque to appease you, and I hope you will not be fools enough to accept this bribe from this government, because that's all it is. It's a reptilian bribe before Christmas and it will fail.

**The Deputy Speaker:** Further debate?

**Hon Mr Clark:** I'll be sharing my time with the member for Peterborough.

**Mr Crozier:** What a night, they've got ministers speaking.

**Hon Mr Clark:** Well, thank you for that clarion welcome.

I want to back up a little bit.

**Hon Mr Klees:** Not too far.



**Hon Mr Clark:** Not too far; just a little bit; back to around the summer time when the prices started to inch up. As the prices started to inch up, we started to hear from the opposition. To be fair, the NDP were crying about blackouts, brownouts, that the world was coming to an end. Apocalyptic is how you were sounding. And when we came into September and the consumers started to get hit with high prices, and then the opposition, the loyal opposition, started to go apocalyptic. They caught on to Howie; they caught on to the bus.

**Hon Mr Tsubouchi:** They were the fifth horseman.

**Hon Mr Clark:** The fifth horseman of the apocalypse, that's right. Then they started squealing about high prices—

**Mr Bradley:** Actually, you did that.

**Hon Mr Clark:** —but offered no solutions. The member for St Catharines says, "Wait a minute, you did that." Actually, the member for St Catharines is correct, because what happened is that there was a constituency meeting—see, what we do on this side of the House is we actually meet with our constituents—in my riding. I had asked them, as I normally do when constituents are complaining about things, to offer some solutions in terms of what I can suggest to my colleagues. Constituents, let me tell you, contrary to the member over there who said, "Don't be fooled and don't be stupid," are very smart; they elected us twice. Constituents are very smart. They offered four solutions to me: rebate; cap the prices; somehow encourage power generators to come on-line and invest; and conservation.

**Mr Bradley:** Name names.

**Hon Mr Clark:** Name names? Councillor Dave Mitchell from Hamilton. Thank you to the member for St Catharines. The councillor brought these suggestions to me and I came here. Lo and behold, the opposition, "Oh, the cabinet's divided because Minister Clark's out there talking about suggestions. Oh, woe is us." There was no division in cabinet. There was no division in caucus. We were doing what we were charged to do: come up with solutions.

We're still waiting for solutions from the Liberals. They didn't have any. As a matter of fact, the government came out with the solution which the constituents have embraced. The phones have gone silent. The constituents are writing letters thanking us for what we did.

What did the leader of the loyal opposition say on 900 CHML? "Mr Green, you might as well have done nothing as do this." Do nothing? He wanted to do nothing. He wanted the prices to stay high because they wanted to run on an election about high hydro prices. We saw the machiavellian strategy of Warren Kinsella and David Axelrod. The Liberals will be running on the strategy "Working for the working families who the terrible Tories are gouging."

Do you know what? We listened to the constituents because it is a democratic society. They offered us solutions in terms of how we could fix the problem: and, lo and behold, we did. As soon as we did that, Mr McGuinty had nothing. His pockets were bare; he had nothing. He didn't have a bus. You guys had a bus. You've still got the bus. He had nothing and he was caught. What did he have? First he said, "Do nothing," and then he turned around and said, "Oh, this is going to kill the province. Investment is done. The market is dead. It's all over."

Then the press started asking questions. I couldn't believe that in a press scrum, a reporter left and came back and said, "I was gone for a couple of minutes; have you changed your mind?" I couldn't believe it. Ow, that one's got to hurt.

The policy was stripped off the Web page and then, in a few days, the policy is back on the Web page. But read the policy carefully because there is nothing there but platitudes, panaceas and placebos, all sugar-coated things and, "The bad Tories, but we're going to be different."

Do you know what? It was the Conservative government that fixed it, that satisfied—

*Laughter.*

**Hon Mr Clark:** The member from St Catharines is laughing, but his constituents are no longer calling him. It wasn't his leader that came up with any options—no solutions, no options. We did it. That's why the phones have gone quiet in your office and in mine.

I'm pleased about Bill 210 and I would suspect we'll find that the Liberals will end up supporting it.

**The Deputy Speaker:** It seems like a good time to take a look at the clock and reflect that we've had enough for this evening. It being nearly 9:30, this House stands adjourned until 1:30 tomorrow.

*The House adjourned at 2128.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 3 December 2002

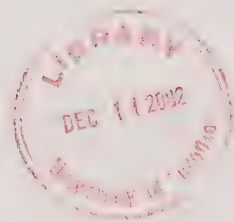
Mardi 3 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 décembre 2002

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### GESTION DES ÉLÉMENTS NUTRITIFS

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Je m'adresse aujourd'hui aux ministres de l'Agriculture et de l'Alimentation, et de l'Environnement.

Nous savons que présentement au Québec, il y a un règlement en date du 15 juin 2002 qui empêche tout agrandissement ou nouvelle porcherie à s'établir pour une période de 18 à 24 mois dans 281 municipalités dû à la pollution des nappes phréatiques, en conclusion que la contamination des terres par le phosphore contenu dans le lisier du porc pouvait mener à la contamination de l'eau potable et des puits, et pouvait donc menacer la santé de la population.

Il y aura aussi une étude complète pour étudier le développement durable de l'industrie porcine et de mettre en place des règlements environnementaux afin de contrer les effets néfastes sur la santé et l'environnement.

En Ontario, la Loi sur la gestion des éléments nutritifs vient tout juste de passer sa troisième lecture. Cependant, il n'y a aucune considération ni réglementation en place afin de prévenir les problèmes encourus par les mégaporcheres.

Toute municipalité devrait avoir un règlement intérimaire qui ordonnerait une étude environnementale avant d'émettre un permis aux nouvelles mégaporcheres. Après tout, nous savons tous jusqu'à quel point Walkerton a mis notre santé, notre environnement et notre sécurité en question.

Je demande donc aux ministres de prévenir au lieu de créer une deuxième catastrophe telle que Walkerton et de permettre aux municipalités le refus d'émettre les permis de construction pour ces mégaporcheres.

#### LABOUR DISPUTES

**Mr Peter Kormos (Niagara Centre):** We've got workers here in the public galleries today from the Sudbury Star, where 75 of their membership of the newspaper guild have been locked out now into their ninth week, and 41 workers from the Cobourg Daily Star and Port Hope Evening Guide, who have been on their picket lines now for eight weeks.

Both of these groups of workers, be it in Sudbury or be it down in Cobourg or Port Hope, are being denied any meaningful bargaining at the negotiating table: locked out, on strike, and seeking the most modest of gains in their contracts, modest wage increases—you should know that the base wages at these workplaces are \$8 and \$8.50 an hour—some modest improvements in pensions, some modest improvements to benefits.

Why are they out on strike? Why have they been locked out for eight and nine weeks? I'll tell you why: because scabs have been taking their jobs in the workplace; scabs have been crossing their picket lines. I tell you that the New Democratic Party anti-scab legislation in the early part of the 1990s created fewer labour disputes, and when there were strikes or lockouts, they were far shorter. These workers' jobs are being stolen from them by scabs, companies like Corporate Security Services and Accu-Fax, the scum of the corporate world, enforcing scabs and protecting them as they walk through these workers' picket lines to take these workers' jobs. These workers are here to support the New Democratic Party's Bill 214, anti-scab legislation which will restore peace. These workers are here to tell readers of the Sudbury Star, the Cobourg Daily Star and the Port Hope Evening Guide not to buy those papers and advertisers not to advertise until these labour disputes are settled.

*Interruption.*

**The Speaker (Hon Gary Carr):** Just before we begin, we have some guests in the gallery. Unfortunately, we're not allowed to clap during any of the proceedings. I'd appreciate the co-operation for the members. They may not have been aware of that. I thank them for their co-operation.

The member for Niagara Falls.

**Mr Bart Maves (Niagara Falls):** Thank you—

*Interruption.*

**The Speaker:** Order. You've come a long way. We're going to have to throw you out if you do that. I would ask your co-operation. You've come—

*Interruption.*

**The Speaker:** You leave me no alternative. I ask security to clear the entire gallery on that side, please; the entire gallery, please, because I don't know who else is coming next. I warned him twice. Everyone out. It's too bad.

*Interjection.*

**The Speaker:** That's right. I can't tell the difference.

*Interruption.*



**The Speaker:** That's why we did the whole gallery, because that was a different person. I guess we won't need to worry any more.

The member for Niagara Falls—sorry for the interruption.

#### 2010 COMMONWEALTH GAMES BID

**Mr Bart Maves (Niagara Falls):** It's OK, Mr Speaker. I am pleased to rise in the House today to reiterate our government's and my own support for the city of Hamilton's bid for the 2010 Commonwealth Games.

Hamilton was the birthplace of the Commonwealth Games in 1930. The Hamilton bid committee launched their bid book in Hamilton in October 2002, with the support of the Minister of Tourism and Recreation, Frank Klees, and the Minister of Labour and MPP for Stoney Creek, Brad Clark.

Bringing the Commonwealth Games to Hamilton would be an honour for Ontario and Canada. It would demonstrate our capacity to host international sport and multi-sport events. The Commonwealth Games would also involve the greater Toronto area and cities in the Golden Horseshoe such as St Catharines, which might host the rowing event.

Our government is continuing to work with and support the city of Hamilton in their Commonwealth Games bid and other tourism, sport and recreation initiatives. In the past three years, we have committed more than \$30 million to support tourism, sport, recreation, culture and other local projects that would help build a solid foundation for the continued growth and prosperity of Hamilton. More than \$8 million in community grants has flowed into the Hamilton area from the Ontario Trillium Foundation, and the province has invested more than \$4.8 million in grants to local sport, recreation and culture organizations.

We have also invested \$2.25 million in the World Cycling Championships being held in Hamilton next year. Through our SuperBuild initiative, we have invested more than \$96 million in sport and recreation facilities throughout Ontario, with the approval of 216 sport and recreation facility projects to date. The Ernie Eves government is committed to helping communities attract sporting events that promote Ontario as a world-class tourism destination.

This government is on Hamilton's team, and we look forward to welcoming the world to Canada's greatest province, Ontario.

#### AVONMORE FALL HARVEST DAY FESTIVAL

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I take this opportunity to rise in the House to tell our members of a very successful initiative undertaken by the residents of the small community of Avonmore, Ontario, in my riding.

On October 12, 2002, residents of Avonmore participated in the Fall Harvest Day festival. As part of the celebrations, organizers and residents pulled together to beat the existing Guinness World Record for the largest display of scarecrows. Altogether, 3,102 scarecrows were displayed, beating the existing record of 2,071 held by the residents of Meaford, Ontario.

This community-based event was made possible by the hard work of organizers like Nancy Legue and by the determination of countless volunteers and the students at Roxmore Public School. In addition to establishing a new world record, the festival was able to raise more than \$10,000, all of which was invested back into the community public school of Roxmore.

I must also acknowledge that I attended high school in the beautiful community of Avonmore and, as such, I hold this community in very high regard. It is my pleasure to congratulate all those who took part on how they contributed to the festival. I applaud their efforts.

1340

#### DAVID GRANT

**Mr AL McDonald (Nipissing):** Today I rise before the House to pay tribute to a fine individual who has passed away in my riding of Nipissing. Recently, more than 300 people, including members from 65 fire departments across four districts, attended the funeral of Deputy Fire Chief David Grant of the Bonfield Fire Department. The attendance of people indicated what a respected man he was. The ceremony marked the township's first formal firefighter funeral since it became an official fire service in 1971.

David Grant is survived by his wife, Linda, and his two sons, Scott and Sean, both of whom are firefighters with the Bonfield Fire Department. Scott Grant, David's oldest son, has said: "Anyone who knew my dad loved him. He was a very caring man who was always there for his community." David Grant's other son, Sean, agrees with his brother but adds that it's going to be a challenge to get back to firefighting without his father alongside him.

I've spoken with many people who knew Mr Grant, and the underlying theme that was heard from everyone was what a truly unique and caring individual he was. He was very well received by his community and by his co-workers. I would like to say to Linda, Scott and Sean that our thoughts are with you during these difficult days. May you find comfort in your family and friends.

#### INTERNATIONAL DAY OF DISABLED PERSONS

**Mr Ernie Parsons (Prince Edward-Hastings):** It is my pleasure to rise on this, the International Day of Disabled Persons. It is appropriate that this day is set aside, although it would be nice if we didn't have to, because every day should be the day for these individuals.

I have yet to meet a person with a disability who is disabled. I have been inspired, motivated and enriched by my contact with them. But this is a day for those of us who do not yet have a disability to stand up and speak for our fellow citizens. We need to make changes in this province. We need to listen to individuals with disabilities to meet their needs so we can level the playing field. We need to allow them to work without clawing back all of the money they make. We need to immediately stop building new barriers. Certainly, the goal is to remove existing barriers, but at this present time in Ontario we continue to erect new barriers to those with disabilities.

We need to ensure that those who are unable to work can have a life that is not at or below poverty level. These are our fellow citizens. Everyone in this chamber will ultimately be judged on how they treat Ontarians with disabilities. We need to do more and we can do more. I urge everyone in this House to act immediately, to remove barriers and ensure a life of dignity. These individuals want to have the same access to services and the same opportunity as everyone else. Those doors have yet to be fully opened.

**Mr Garfield Dunlop (Simcoe North):** It is my pleasure to announce that today is the International Day of Disabled Persons. This day, designated by the United Nations in 1992, is a day to promote increased awareness and understanding of disabled issues.

By observing this day, we take the time to recognize the contributions and achievements of people with disabilities. Barriers must be removed to tap into the full potential offered by those with disabilities. In Ontario, there are more than 1.9 million people with disabilities. Our government is committed to breaking down the barriers faced by these individuals and to ensuring a drive toward full accessibility.

As you know, at this time last year our government passed the Ontarians with Disabilities Act. This legislation is key to our vision of creating a barrier-free society. Additionally, the 12-member Accessibility Advisory Council of Ontario is fully active and helping to assist in moving the Ontarians with Disabilities Act ahead. The Ontarians with Disabilities Act is designed to increase independence for people with disabilities so they have more opportunities to participate fully in our society to the benefit of us all. The ODA is Canada's first and most comprehensive legislation for people with disabilities. It builds on our government's multi-billion dollar commitment to programs and services.

Mr Speaker, honourable members, please take this special day and every day as an opportunity to increase awareness about accessibility for people with disabilities in your communities.

#### GOVERNMENT'S RECORD

**Mr Dwight Duncan (Windsor-St Clair):** There are seven days left in this session before the House adjourns, and presumably before the next provincial election. We

are faced with a government that is on the ropes in every sense of the word; a government that has to time-allocate legislation that all three parties in this House support; a government that is tabling 50 FOIs on expenses all at once today. Why? Because they want, I presume, to get all the bad news out at once, all in one day, knowing full well that the auditor's report is today.

And what a report that is. This volume speaks volumes about a government that can't manage its affairs, about a government that puts the interests of its friends ahead of the interests of the people of Ontario, a government that will sacrifice principle for re-election every chance it gets, and this session more than any has demonstrated that; a government with a lack of vision, singularly devoted to one thing, and that is just trying to clean up its own messes.

Yet today, we learn of dozens of other messes that have been created by the policies of one Ernie Eves. Whether as Premier or Minister of Finance, he has presided over the slow deterioration of this province, the mismanagement of the affairs of the government of Ontario. The people of Ontario will cast a very harsh judgment on that record, hopefully early next spring. It's never too late to change. There's a lot of toothpaste to get back in the tube, but this report condemns the government yet again.

#### MISSISSAUGA FIREFIGHTERS

**Mrs Margaret Marland (Mississauga South):** I'm delighted to learn that a trio of female firefighters from Mississauga won the International Firefighter Combat Challenge held in Florida in November 2002. Angie Holman, Tanya Mayers and Tammie Wilson not only finished first, they also set a world record of one minute and 50 seconds in the challenge, which is a gruelling relay race that simulates an actual fire rescue situation.

Only the fastest, fittest and brightest of firefighters can compete at this level. Mississauga's amazing squad achieved their victory even with injuries. One member had a broken finger and another suffered from tennis elbow during the competition. Among the arduous tasks these female firefighters accomplished were carrying a 45-pound hose pack up five flights of stairs, then hoisting a 50-pound rolled hose over an edge; using a nine-pound mallet to drive a 65-pound I-beam a distance of five feet; running through 140 feet of pylons; and dragging a 170-pound rescue dummy a distance of 75 feet.

Dr Paul Davis, founder of the firefighter combat challenge, said of the Mississauga team, "These are the ones you want fighting a fire.... They are the best in the world."

Angie, Tanya and Tammie, Mississauga residents are indeed fortunate to have you in our fire department. We are very proud of you and congratulate you on this remarkable achievement, and the members of our Legislature join in the congratulations.



## VISITORS

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** On a point of order, Mr Speaker: I'm sure the members of this Legislative Assembly will want to join my esteemed colleague from Hamilton West, David Christopherson, and me in welcoming the grade 9 students from Hillfield-Strathallan College, including those from my daughter Whitney's class. They're in both the east and west galleries. They're accompanied today by Mr Dalton, Mr Warner and Mr Wilkinson. Welcome.

**The Speaker (Hon Gary Carr):** We welcome our guests.

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: If I might also draw to the members' attention in the west members' gallery, in addition to the students from Hamilton, my beautiful partner, Denise Doyle, who is here today also.

ANNUAL REPORT,  
PROVINCIAL AUDITOR

**The Speaker (Hon Gary Carr):** I beg to inform the House that I today laid upon the table the 2002 Annual Report of the Provincial Auditor.

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## REPORTS BY COMMITTEES

STANDING COMMITTEE ON THE  
LEGISLATIVE ASSEMBLY

**Mrs Margaret Marland (Mississauga South):** I beg leave to present a report on enhancing the role of the private member from the standing committee on the Legislative Assembly and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mrs Marland:** I'm very pleased to present this report on enhancing the role of private members and on expanding the role of technology in the House and its committees.

I am doubly pleased because the report was the product of an all-party consensus and I want to thank all the members of this House who participated in the committee meetings that led to the making of this report.

The report recommends that private members' time on Thursday mornings be expanded by two additional hours; that up to three members should be allowed to co-sponsor private members' bills and resolutions; that private members' bills that receive the support of at least 75% of the membership of the House should be fast-tracked for early consideration of, and voting on, all post-second reading stages of the legislative process.

The report also recommends that there should be more referral of bills to committee after first reading, more committee scrutiny of draft bills, more use of select

committees, more consistency in the referral of bills to committees and further discussion on quorum requirements to improve fairness and equity for all private members.

Finally, the committee recommends that consideration should be given to more use of technology in the chamber, starting with the table and the dais.

In my 18 years in this Legislature, I have not enjoyed any committee and work of a committee as much as this one, and I do again thank those members for the tremendous amount of commitment, work and homework and for being part of these discussions and producing this report. I congratulate those members and thank them.

I now move adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## INTRODUCTION OF BILLS

AUDIT AMENDMENT ACT, 2002  
LOI DE 2002 MODIFIANT LA LOI  
SUR LA VÉRIFICATION  
DES COMPTES PUBLICS

Mr O'Toole moved first reading of the following bill:

Bill 218, An Act to amend the Audit Act to insure greater accountability of hospitals, universities and colleges, municipalities and other organizations that receive grants or other transfer payments from the government or agencies of the Crown / *Projet de loi 218, Loi modifiant la Loi sur la vérification des comptes publics afin d'assurer une responsabilité accrue de la part des hôpitaux, des universités et collèges, des municipalités et d'autres organisations qui reçoivent des subventions ou d'autres paiements de transfert du gouvernement ou d'organismes de la Couronne.*

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr John O'Toole (Durham):** I urge the House to give this bill some consideration before they pass judgment. This is about accountability in public sector spending. In light of the fact that the auditor of Ontario, Erik Peters, is here today, it's more out of respect in the circumstances that I ask the opposition to read the bill before they comment and to be accountable to the taxpayers of this province.

VISITEUSE  
VISITOR

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** Monsieur le Président, j'aurais un point d'ordre: I would like to introduce a good friend of mine in education from Newfoundland who really wanted to visit the Ontario Legislature, Andrée Thoms.

## ORAL QUESTIONS

## GOVERNMENT CONSULTANTS

**Mr Dalton McGuinty (Leader of the Opposition):**

My question is for the Chair of Management Board. Minister, on the basis of the Provincial Auditor's report tabled today, to be a consultant in Ernie Eves's Ontario is to have died and gone to heaven. You are spending two and a half times as much on consultants this year than you did in 1998. That's \$662 million this year. Your consultants are often paid two or three times more than ministry staff to do the exact same work. In fact, in the case of the Ministry of Public Safety and Security, more than 40 consultants are former employees of the ministry. It's like winning the lottery, Minister. You quit the ministry staff on a Monday, and by Wednesday you can get hired back to the same job and get paid more than double your original salary.

How can you possibly justify this incompetence, this mismanagement, this outrageous use of taxpayers' dollars?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** First, I would like to thank the Provincial Auditor for the report. We do welcome his recommendations, as we do every year, as every government does. This is an opportunity for us to improve the way government does business; we recognize that as well.

What I will tell you is this: in terms of the consultants, there are a number of measures which the auditor is requesting or recommending. I'm pleased to tell you that a number of mandatory requirements have been instituted in our directives in order to deal fully with the auditor's concerns.

If I could share some of them, dealing with some mandatory requirements, in terms of the consulting services, the following best practices will now be mandatory requirements: require ministries to fully document the process for determining the availability of internal ministry or government resources prior to acquiring consulting services; clearly define requirements for the assignments; follow an established process for evaluating bids and selecting vendors. These are a few of them.

We have fully agreed to follow all the recommendations of the auditor. We agree with them. They will be instituted.

**Mr McGuinty:** Minister, all of that is simply all too lame. You've had seven years over there to get your act together and somehow act in a responsible way when it comes to taxpayers' dollars.

Let's take a look at some specific examples. The Ministry of Health paid one consultant \$360,000 over a two-year period. When the contract finally ended, they hired a staff person and paid that person \$60,000. In short, you paid a consultant three times the cost of hiring a ministry staffer.

One contract at the Ministry of the Environment was supposed to be capped at \$25,000 but wound up costing taxpayers \$455,000. That's more than 18 times the

projected cost. Your own ministry hired one consultant whose rates started at \$725 a day in April 2000, doubled to \$1,800 a day one month later, and then jumped again to \$2,600 a day just four months later.

So you tell me that we haven't got money for textbooks, for MRIs, for affordable housing, for public transit, but in your Ontario, there is no shortage of money when it comes to consultants.

**Hon Mr Tsubouchi:** What I did say, and very clearly, was that the auditor made certain recommendations. We have fully agreed to implement all of them.

I will share some other things with you, if I could. In the annual report of the Provincial Auditor, page 42, he indicates that, "Many of the contracts were continuous arrangements with the same consultants who had previously worked on other ministry projects. For example, four consultants had been under contract to the minister for more than seven years at rates between \$250 and \$430 daily, earning fees between \$60,000 and \$100,000 annually. These earnings by consultants were more than double the salaries earned by employees occupying the comparable positions within the ministry."

That was from his report in 1988. That was under the Peterson government, the Liberal government.

I think we should make sure we compare apples to apples and oranges to oranges.

*Laughter.*

**Hon Mr Tsubouchi:** They think it's funny, but this is their past record.

Every year, the auditor brings forward recommendations. We've agreed to implement them. I would hazard a guess that there has never been an auditor's report that has ever said the government has done a wonderful job.

**Mr McGuinty:** I can understand why the minister wants to talk about the last millennium, but I want to talk about today's Provincial Auditor's report. I want to talk about your record and the fact that you've had seven years on the job to get your act together, and you've failed to do so.

Again, Minister, you're spending two and a half times as much on consultants today as you did three years ago. You're the guy who promised to get government spending under control. Instead, you cut funding to our hospitals, you've cut funding to our schools, you've cut funding to our seniors and our most vulnerable; but when it comes to consulting friends, there is no shortage of money whatsoever.

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You're hiring former ministry staff days after they've quit their jobs to do the same work at two to three times the cost. And you're going to like this one, Minister: the Provincial Auditor points out that some of the people you're hiring don't even pay their taxes. One consultant you hired in your ministry had tax arrears of over \$100,000.

I ask you again: at a time when there's no money for MRIs, no money for textbooks, no money for affordable housing, no money for public transit, how can you possibly justify this outrageous use of taxpayers' dollars?



**Hon Mr Tsubouchi:** First of all, let me respond in a couple of ways. The Leader of the Opposition has certainly taken liberties with his expression of his idea of what reality is. The reality is, the hospital budgets have been going up substantially under this government; health care has been going up substantially under this government. I have no idea where he's getting his information. There's no connection to reality.

I will tell you this. Within the auditor's report, he does indicate as well on page 174: "The directive provides adequate direction and guidance to ministries to ensure that, if followed, the planning, competitive acquisition, and management of the use of consulting services are undertaken with due regard for value for money."

Clearly there have been some breaches of the protocol of that directive. We have undertaken to make sure they do not occur. We have in fact taken measures to make sure that these steps are taken care of. Some of the other things we've implemented as well: the Minister of Finance will be required to verify the accuracy of tax declarations submitted by vendors. This information can be made available to the contracting ministry.

We've identified that there has been a problem; the auditor has identified a problem. We've agreed to follow all of his recommendations. Clearly we've taken the steps to ensure that this does not occur.

#### GOVERNMENT'S RECORD ON LAW AND ORDER

**Mr Dalton McGuinty (Leader of the Opposition):** A question to the Solicitor General: your abysmal record on law and order has finally been exposed. On the matter of arrests, there are 10,000 outstanding arrest warrants for offenders in Ontario, including high-risk offenders. On the matter of rehabilitation, the auditor tells us, of the 3,000 sex offenders who have been released into the community, 2,400 are not receiving essential rehabilitation. On the matter of supervision, one third of the most serious offenders on parole have reoffended, without any immediate consequences, not even with a change in their parole conditions.

Despite all of your continuing tough talk on crime, it's clear that your incompetence is putting Ontario families at risk. How can you possibly justify this don't arrest, don't rehabilitate and don't supervise approach that you are bringing to serious crime in the province of Ontario?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** We have, obviously, read the Provincial Auditor's comments with respect to outstanding warrants. I think the auditor used a figure of 10,000 outstanding warrants. That was an estimate. He indicated, I gather, in the report that it was an estimate, and it's unfortunate that he extrapolated in the way he did after visiting a number of offices.

The reality is that we did check on CPIC and the number is 5,900. Of the 5,900—

*Interjections.*

**Hon Mr Runciman:** I'm not sure they want an answer. Of the 5,900, there were 178 outstanding warrants for level I category offenders.

**Mr McGuinty:** I'm going to rely on the Provincial Auditor, if you don't mind, when it comes to the facts, and the facts speak for themselves. Today in Ontario, you are only attempting to rehabilitate one out of five sex offenders. Forty per cent of the most serious level I offenders are lacking a risk assessment or a plan to even keep track of them. And yet all these offenders are out on the street, not just at risk of reoffending but actually committing new crimes because you haven't done your job.

Minister, you are putting people's lives at risk. When I talk about level I, as you well know, we're talking about child molesters, sexual assaults, people who commit assaults causing bodily harm and other violent crimes. It is one thing to write press releases and make speeches to the public, sounding tough on crime. It's quite another thing to do your job and to do it well. I'm asking you, Minister, when are you going to start to do your job well and protect public safety in Ontario?

**Hon Mr Runciman:** I said this last week: a Liberal talking about law and order is a walking, talking oxymoron, like jumbo shrimp.

The reality is that over the past seven years, the Harris and Eves governments have done more to improve public safety in this province than any other provincial government in Canada. On a regular basis, we have brought issues to this House. I'll just raise one, since the member opposite is talking about sex offenders. This government is the first and only government in Canada to bring in a sex offender registry to track sex offenders in this province. We have attempted to get the federal government to move on this issue. As of today, nothing is happening.

The Leader of the Opposition is trying to change his image and convince Ontarians and Canadians that they are for public safety, that they are for tough law and order. The track record of that member and his party proves just the opposite.

**Mr McGuinty:** We have more of the same: all talk, all bluster. When it comes to the facts, we choose to rely on what the Provincial Auditor said in his report. The facts are that this government's record when it comes to arrests, rehabilitation and supervision is absolutely abysmal. I think this minister and this government should be embarrassed when it comes to their record on law and order issues in Ontario.

We have a plan for safe and strong communities. We call for 100 more parole and probation officers to make sure that offenders are in fact being properly supervised. We're calling for 1,000 more police officers to start enforcing the 10,000 arrest warrants. We're also calling for 50 additional prosecutors beyond those this government is hiring. Minister, our plan is tough on crime. You're all talk; you're all bluster. We've got a plan here that's going to get the job done.

**Hon Mr Runciman:** I think that's not going to wash with any of the public or the voters in Ontario. When you talk about what's happened in policing and in public

safety in Ontario, we can talk about the 1,000 new police officers this government put on the front lines. We can talk about the violent crime linkage and analysis system we put in place to track serial predators across this province. When you talk about victims' rights, no government in the country has done more for victims of crime than the Ontario government under Harris and Eves. There's the sex offender registry.

We can ask the members opposite what their stand has been on the Young Offenders Act in this country. What has their stand been on dealing in an effective way with young offenders committing serious crimes in the province? What has their stand been on the strict discipline facility for young offenders that this government put in place? What's their stand on the Club Fed resorts the federal Liberal government runs across this country? We know their stand. Ontarians know their stand. It's weak-kneed at best.

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### GOVERNMENT CONSULTANTS

**Mr Howard Hampton (Kenora-Rainy River):** I have a question for the acting Premier. Your habit of picking the pockets of Ontarians to benefit your corporate buddies has become an addiction. The auditor says you shelled out \$246 million for one of your favourite consultants, Andersen Consulting, although they've now changed their name to Accenture to cover their tracks. What did you get for \$246 million of public money? The auditor says that \$66 million was just a giveaway and \$22.2 million was for work that government employees should have done and could have done. Then he says that at the end of the day, the product you got doesn't work.

Now the auditor finds that you've extended the contract for another \$38 million. Acting Premier, if you can't kick the habit of fleecing Ontarians to benefit your corporate friends, don't you think it's time you went in for rehabilitation?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** That was kind of a funny question. I'll refer the question to the Minister of Community, Family and Children's Services.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for the question. We're very pleased to receive the auditor's report. We appreciate the work he does in the public interest, and we welcome his recommendations. I would like to inform my colleagues here in the Legislature that most of the issues addressed by the auditor in his report were issues that our ministry was aware of and in fact had already been working on.

Let me talk about the program that my colleague across the way is referencing. We had in Ontario a system to deliver assistance to those who require social services that was literally archaic. It was a very, very old system, completely incapable of delivering the kind of service, the information needed, not only for those people

who needed the service but for those who were delivering the service.

We undertook a major transformation in our ministry to implement a huge new computer system: eight systems integrated into one. It has been a mammoth undertaking.

**Mr Hampton:** To that the auditor says the whole thing doesn't work. After a quarter of a billion dollars, it doesn't work. The reality out there is that Andersen Consulting, who have now changed their name to Accenture to hide from the public, and some of your other consultant friends are reaping hundreds of millions of dollars and the people are getting nothing for it.

Let me give you some examples. At Environment, you paid \$455,000 for a contract that was supposed to cost \$25,000. At Management Board, you gave a \$1.7-million contract without a competition. You just called up one of your friends and said, "Would you like \$1.7 million?" At SuperBuild Corp, your mistake resulted in a \$681,000 gift to a financial adviser and a contract that cost \$3 million when it was only supposed to cost \$1.5 million. I'm surprised you guys haven't hired Winona Ryder as a consultant, given your record.

The question is, when are you going to cut off your corporate friends and start looking after the public of Ontario that wants to see money for schools, that wants to see money for health care, that wants to see money for child care? When do you start looking after them?

**Hon Mrs Elliott:** Speaker, to the Chair of Management Board.

**Hon Mr Tsubouchi:** That gives me an opportunity to continue with what I was saying in terms of the improvements we've done following the recommendations of the Provincial Auditor. I'm sure the leader of the third party wants to hear these.

These are the new mandatory requirements that are added to the directives to ensure effective management of consulting service assignments. First, all payments must be in accordance with contractual provisions. Second, all payments for applicable expenses must be in accordance with the travel management and general expense directive. Third, any overpayment of fees and expenses must be recovered, unlike other governments before. Fourth, all consulting assignments must be properly documented annually. Fifth, the vendor's performance must be managed and documented. Any performance issues must be resolved and reported to the Management Board Secretariat. Last, all required approvals must be obtained for all changes of scope in terms and conditions of agreements.

There are a number of very technical things that we have now managed, following the recommendations of the auditor, to tighten up on behalf of the people of Ontario to ensure there's more accountability to the system. There are a number of others on another list I have. If we ever continue this, I will certainly share that with the public of Ontario.

**Mr Hampton:** And the auditor says to that that you aren't following your own rules, that the lure to provide



some booty to your corporate friends means that you routinely ignore these rules.

Another example: your privatizations. The auditor points to your Hydro privatization and he says that just in the last year you've added \$700 million more debt and the taxpayers have had to pick up \$341 million in debt financing charges. So get this: your private hydro friends are making money hand over fist, but the people of Ontario have had to pick up another \$1 billion in costs.

I ask the question again, acting Premier: when are you going to stop looking after the greed of your corporate friends and start looking after all of the things that the ordinary people of Ontario need: the schools, the hospitals, the environment, child care, all of the things that the average family out there is asking for? When do you start looking after them instead of looking after your corporate friends?

**Hon Mr Tsubouchi:** Since I have the floor, I'm going to continue talking about the measures we've taken to follow the recommendations of the auditor.

*Interjections.*

**Hon Mr Tsubouchi:** You might think it's funny but I think it's serious. I've got a whole list of things that I can relate in terms of your government that you didn't follow. But rather than do that at this time—maybe I'll save it for the next time you come back—I'll share with the public some of the measures we're taking, and we're honestly and sincerely trying to follow these recommendations of the auditor because they're important.

The auditor recommended the establishment of an improved process for collecting information on the ministry use of vendors of record. We're now requiring the ministries to provide annual reports to the Management Board Secretariat on the use of consulting services, including vendors of record and their performance in managing the process of planning, acquiring and managing consulting services during the fiscal year.

What that means is this, if I can put it in understandable English: we're requiring a set of accountabilities that will not only seek to manage what they're doing during the course of the contract, but also after the contract is completed, to have a report done then to make sure that the money has been best spent for the people of Ontario. These are measures we believe are very important to follow the directions of the auditor.

### CORPORATE TAX

**Mr Howard Hampton (Kenora-Rainy River):** To the acting Premier again, the auditor says this has been going on for seven years and is just getting worse. You've shown yourself, as a government, to be really tough on the poor and the vulnerable, but when it comes to the rich and the powerful, you disappear. You're a real pussycat. Today's auditor's report reveals that almost half of Ontario's corporations have not even filed tax returns for the audit year; 355,000 corporations didn't bother filing tax returns for this corporate year. The auditor says you're not even trying to collect those corporate taxes. When it comes to cracking down on the

little guy for sales tax or going after the poor, boy, your government is a real pit bull. The question is, why are you so soft when it comes to getting your corporate friends just to pay their taxes?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I refer that to the Minister of Finance.

**Hon Janet Ecker (Minister of Finance):** I would agree with the honourable member that whether you are an individual, whether you are a company, you have to pay the taxes that you owe. First of all, our government believes very firmly that individuals and small businesses and companies should be paying less tax, and we have been taking steps to ensure that occurs; but what tax is owed should be collected and that's why the ministry is implementing the auditor's recommendations. In addition, we have hired 750 auditors, investigators, collectors and compliance staff and we are collecting over \$400 million in tax that is owed to the taxpayers of Ontario. We will continue that record because, I agree, taxes that are owed should be paid.

**Mr Hampton:** I agree. When it comes to going after the little guy for sales tax or when it comes to going after someone who received \$10 or \$20 more in a social assistance cheque, boy, you're really tough.

Some of these corporations actually work for your government. They're consulting companies that haven't been paying your taxes and then you hire them. For example, Mr Tough-on-Crime there, the Minister of Public Safety: they've hired lots of consultants who don't bother paying their taxes, and you hire them again. Management Board—the minister who is supposed to be looking after all this—hired a consulting company that's dodging \$110,000 in taxes.

Premier, acting Premier, Minister of Finance—I don't care who it is over there—don't you think you could at least get the consultants you're feeding money to to pay their taxes?

**Hon Mrs Ecker:** The honourable member may think 750 investigators to investigate those companies and those organizations that owe tax is insignificant. He may think that \$400 million in increased revenue because of our tax enforcement procedures is not relevant. We on this side of the House would disagree. We are taking steps to improve enforcement, to improve auditing procedures, to improve the information technology that allows the ministry to know which companies are there, which ones should pay tax to the government, and we will continue to do that because we think that is right, is responsible and is being accountable.

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### VISITOR

**The Speaker (Hon Gary Carr):** We'll stop the clock. In the members' east gallery we have a former colleague, Mr Leo Jordan, the member for Lanark-Renfrew in the 35th and 36th Parliaments.

## LONG-TERM-CARE FACILITIES

**Mr Dalton McGuinty (Leader of the Opposition):**

My question is for the Minister of Health. Minister, I want to talk to you today about your failure when it comes to taking care of Ontario's frail elderly.

Last year you commissioned a PricewaterhouseCoopers study that found Ontario has the lowest standards of care of all jurisdictions reviewed. It said that we're providing the lowest quality of care, that our frail and elderly are not getting the physiotherapy they need, and that you are restraining the elderly much more frequently than you should be. What's more disturbing, as we discover today in the Provincial Auditor's report more than a year later, after that original PricewaterhouseCoopers study, is that the auditor found "no evidence to indicate that the ministry had addressed the results of the study."

Minister, can you please stand up and explain why it is that you have obviously decided to completely abandon Ontario's frail elderly?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I believe the associate minister can provide an excellent answer to that question.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I want to begin by thanking the Provincial Auditor for his report today. At the Ministry of Health and Long-Term Care, we take the auditor's report very seriously. We always strive to do better at the ministry. In fact, our inspections are on target for this year. If you look back to 1995, there were 33 full-time compliance advisors at the ministry; today there are 42. The ministry has taken action, for example, against Oakville Lifecare for non-compliance. We do not issue idle threats when it comes to ensuring the health and well-being of the most vulnerable in our long-term-care facilities in this province.

I also want to add that, back on July 31 of this year, we invested an additional \$100 million in new money to provide better nursing and personal care to seniors and those who require long-term-care services in our facilities. On top of that, we have added some 20,000 new long-term-care beds to the system through our \$1.2-billion investment in new and redeveloped long-term-care beds in this province.

**Mr McGuinty:** I can appreciate that recitation, Minister, but the Provincial Auditor tells us you are failing miserably when it comes to living up to your responsibility to protect Ontario's frail elderly. Here are the facts: the auditor says you have no standards of care in our nursing homes, something we've been telling you for years. He says that at the time of his investigation, not a single nursing home in Ontario had an up-to-date licence. He tells us that most homes that opened after 1998 have never been issued a licence.

Minister, you're supposed to be the one protecting our seniors, standing on guard for them and implementing tough and rigorous standards. On the other hand, you have removed the requirement to have a registered nurse

on duty, on-site, at all times; you have removed the minimum 2.25 hours of personal care nursing each day; and you won't even guarantee our parents and grandparents one bath a week.

I ask you again, why will you not stand up here and admit that when it comes to living up to your responsibilities to protect Ontario's frail elderly, you have been nothing short of an abysmal failure?

**Hon Mr Newman:** Again, we take the auditor's report very seriously. We are striving to do better. Yes, it is true that we need to do a better job with our paperwork when it comes to facility licences in this province, but our focus has been on providing even better care for residents. I can say that as of September 1, 2002, each and every nursing home in this province does have a current and valid licence to operate.

The Leader of the Opposition today said he takes the word of the Provincial Auditor. Well, let's look at what the Provincial Auditor said in 1990. In 1990, when he was reporting on the David Peterson government, the Provincial Auditor reported that there were inadequate inspection procedures for homes for the aged in place in this province. In the same auditor's report of 1990, he also pointed out that the procedures used by the Liberal government of that day to monitor the quality of care in nursing homes required significant improvement.

The fact is, it is our government that took action to fix the problems caused by the Liberals and the NDP. That is why we will not take a lecture from the opposition parties when it comes to the provision of long-term-care services in this province.

## NUTRIENT MANAGEMENT

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Minister of Agriculture and Food. Farmers in my riding and across Ontario are extremely interested in the ongoing consultations related to the Nutrient Management Act. They appreciate the extent to which our government is prepared to listen to their concerns and to ensure that we not only protect our rural water supply but also maintain the competitiveness of the vital agri-food industry.

Minister, I understand that last week at the Ontario Federation of Agriculture convention you made an important announcement related to nutrient management. Can you explain for the members here in the House today, as well as the farmers across Ontario, the details of this particular announcement?

**Hon Helen Johns (Minister of Agriculture and Food):** I'd like to thank the member for his question and also thank him for his commitment and enthusiastic support of the agricultural community, not only in his riding but in the province of Ontario.

Our government has recently completed the first round of discussions on the nutrient management plan. We have gone to a number of places, addressed the content of the requirements and done a lot of work with respect to that.

At the Ontario Federation of Agriculture meeting last week, I introduced stage 2 regulations. We had a dis-



cussion about how we might proceed forward with them, and it was agreed upon by the farm groups and myself that we would enter into stage 2 of the consultations starting in December and continuing through January. During that time we will be talking about the construction and siting of barns, about issues such as quality standards for the land application of nutrients and about nutrient management plans.

It's a good time for the agricultural community to get involved in the nutrient management legislation that's coming forward.

**Mr Dunlop:** As I mentioned earlier, farmers, municipalities, environmental groups and other stakeholders are showing a great interest in participating in the consultation process. Could you inform the Legislature on how many people participated in the stage 1 consultations and how and where these people can become involved in the stage 2 consultations?

**Hon Mrs Johns:** I'd like to thank the member again and say that during stage 1 consultations we heard at the hearings from about 580 people. We also got a number of written submissions. Everyone could write in, either through the EBR, the OMAF Web site or the environment Web site, so we got some pretty clear and consistent messages.

It is now our pleasure to be able to go out on the second set, and we'll be starting those in December. We intend to be in Mississauga on December 11. I believe my parliamentary assistant, Toby Barrett, will be there. We will also be doing consultations on December 13 in Teeswater, on December 16 in Brockville and Trenton—Doug Galt will be doing those—and on December 19 in Grimsby. So we're going to have a lot of discussion in December and again in January. All people have to do is either check the environment Web site or the OMAF Web site if they want to know the location closest to them, and we ask you to get involved.

#### GOVERNMENT CONSULTANTS

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is for the Minister of Community, Family and Children's Services. For the second year in a row, the Provincial Auditor has identified that you have completely lost control of a consulting contract in your ministry. The auditor confirmed that in March of this year, your ministry had paid Accenture \$240 million—\$66 million more than the \$180-million cap set by your government.

You told us this system would save taxpayers money, yet the auditor indicates that the benefits reported by your ministry "continue to be ... questionable." Further, the auditor states, the delivery system implemented in January 2002 is "in many respects a step back from what had previously been available."

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In the Kitchener-Waterloo Record it is reported that the local social services committee says your system is costing too much and the service is poor. The new

computer system that you've already mentioned is riddled with glitches, delays and errors.

Minister, can you please explain to the taxpayers of Ontario why you have allowed—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** To my colleague across the way I say thank you for the question. As I indicated earlier, we're very pleased to receive the auditor's report. We had already been alerted to the number of concerns that he noted in his report and have been working diligently to address them.

I want to explain to my colleague across the way first of all that we undertook a mammoth change in our ministry in finding ways to deliver services. It was a change required not only for those to receive better services, but to assist those who offer the service. It is enormous. For instance, the average daily volume of transactions in delivering this huge program is 1.3 million transactions per day delivering services to more than 600,000 people. It replaced eight outdated systems with one system. It was a very complicated change. The auditor undertook a review of this process while it was still being rolled out. A number of the changes he noted have since been improved. Is there more to do? Probably yes—

**The Speaker:** I'm afraid the minister's time is up.

**Mrs Dombrowsky:** Minister, what is mammoth is the amount of money you have wasted on a system that isn't as good as the one you're replacing. You cite improvements. The auditor cannot find any. You are spending hundreds of millions of taxpayers' money on a case management system that is not more efficient. The auditor would indicate your system is less efficient. He reports that with this new system the ministry had little assurance that only eligible individuals receive the correct amount of financial assistance. That's what it's supposed to do.

Minister, you've had two years and what have you done? Instead of getting to the bottom of these inefficiencies and addressing the problems, sources in the industry would indicate that your ministry has quietly renewed its contract with Accenture. This scathing report from the auditor demands that you release the details of your new service contract, include how much it will cost, and explain what you are going to do to assure the people of Ontario that no more taxpayer dollars will be wasted on a system that isn't as good as the one it replaced.

**Hon Mrs Elliott:** While we definitely appreciate the work that the auditor does which allows us to work to improvement, I can say to my colleague across the way that certainly, from our side of the House, we do have a different view. In my hand are letters of support from a number of people who have definitely indicated to us that the system is working. Let me again say to my colleague across the way what we have changed: eight archaic systems into one modern system, a system that allows individuals who are accessing information from individ-

uals requiring service all across the province to ask consistent questions, get consistent information—something that was never possible in days past; on-line processing that allows instant responses to a constituent so they don't have to wait for up to 14 days as they did in days past; more personal response—someone can call up now and get information and know in moments whether or not they are going to be eligible for service, rather than what we had in days past. It is a greatly improved system. It will be more improved as days pass.

### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Bert Johnson (Perth-Middlesex):** My question also is for the Minister of Community, Family and Children's Services, the hard-working, energetic minister from Guelph, the Honourable Brenda Elliott. Last week a member of the opposition talked about a form that he said would make it very difficult for Ontario disability support program recipients. He claimed the recipients would have to know all of their medical appointments and needs a year in advance. Minister, I cannot believe this is true. My wife and kids, my neighbours and friends can't believe that this is true. Nobody believes this is true. I've always maintained this government does everything we can to improve the lives of individuals with disabilities. Minister, what is this form, what is this misguided member talking about and what have you done to improve the application process for Ontario Disability Support Program recipients who are in need of these benefits?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** To my very hard-working colleague from Perth-Middlesex, I'm glad he didn't believe it is true, because in fact it is not.

We've worked very hard to improve services for those who are disabled in Ontario, and that includes the application process, again working to replace haphazard, cumbersome forms of days past with a single application form that was designed with assistance from those in the Ontario Medical Association along with our ministry officials. We moved from an after-the-fact type of system to an upfront form of application, which was particularly helpful to citizens who might have an ongoing medical problem.

Let me give you an example. If someone was going to require dialysis treatment, this disabled individual could speak to their doctor, have the form filled out indicating how much care was going to be needed, how many treatments were going to be needed for an extended period of time. That could then be submitted to our ministry office and the funds flowed up front as opposed to after the fact with each individual service, and so make life easier for that person who's not only disabled but in fact ill.

**Mr Johnson:** I knew the Minister would not introduce a form that would make it more difficult for ODSP recipients.

*Interjections.*

**Mr Johnson:** I knew you'd use all your influence to do the right thing, unlike the opposition.

To eliminate the confusion, Minister, I'd like you to stand in your place and clarify for me and all of us once and for all why this is a better system, and can you still help people who face unexpected or emergency medical costs?

**Hon Mrs Elliott:** It was very important that we provide the flexibility for someone to be able to get care and manage their funds at the same time. So we have this new form that the client can fill out with the doctor to anticipate what kinds of costs are going to be needed in the future, which can be initialled each time they go to the doctor's office to verify that that care has been given. In the case of an emergency, we have the flexibility that a receipt can still be submitted. That cost can still be reimbursed to that disabled individual who has required medical attention.

Why did we do this? Because it matters to us that we work to make the lives of those disabled better in the province of Ontario. Whether it's filling out forms or getting care, they can count on the Eves government to be behind them and to help them in every way possible.

### LONG-TERM-CARE FACILITIES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Associate Minister of Health. Your government has abandoned Ontario seniors who live in long-term-care facilities. The auditor makes it clear today that you have no idea how or where nursing dollars are being spent. You have no staff-to-patient ratios, so you can't guarantee that the frail and elderly are receiving quality care in these institutions.

In 1995 the auditor told your government to renew the standards for hands-on nursing care, and you cancelled those standards altogether. You've done absolutely nothing about the shocking results of the 2001 report, which clearly showed that Ontario seniors are at the bottom of the heap when it comes to receiving nursing, bathing and therapy services.

Minister, admit it today. You have no idea where these dollars are going, and you can't guarantee that Ontario seniors in long-term-care facilities are receiving quality care.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I want to thank the Provincial Auditor for his report today, and to state again that we take his report very seriously.

He did point out some areas that the Ministry of Health and Long-Term Care could show some improvement in, and we are doing that. For the member opposite to say we have done nothing for long-term care is absolutely wrong. We have done 100 million things since July 31 this year, when we announced \$100 million in new funding for nursing and personal care, so that each and every nursing home, municipal home for the aged and charitable home in this province would get additional money so that additional nurses, additional personal care



workers and additional health care aides could be added to the system.

We might want to look at what the Provincial Auditor said about the NDP in 1995. He said the NDP was aware of significant growth projected for the population over age 65 in this province, but they simply did not have a strategy for dealing with the anticipated increase in demand for long-term-care services. It was this government that acted by building the 20,000 beds.

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**Ms Martel:** Minister, the auditor made it clear: you don't have a clue where your long-term health care dollars are going. He said that you have no standards of care for hands-on nursing, that you have no staff-to-patient ratios, that you were not issuing licences to new nursing homes that opened after 1998 and that you have no system in place to monitor those facilities that regularly fail to meet compliance standards. In short, you don't have a clue what's going on and you can't guarantee that the \$100 million you announced in July is ever going to go into improving patient care.

Minister, when are you going to implement standards of care in Ontario nursing homes so that Ontario seniors will be at the top instead of at the bottom of receiving quality care?

**Hon Mr Newman:** I can say that this government has taken long-term care much more seriously than your government did when you were in office. In fact, the NDP government didn't add a single net new bed to the system. In the 10 years from 1988 to 1998, there wasn't one net new bed added to the long-term-care system in this province. The Provincial Auditor pointed out to the NDP in 1995 that there was a growing and aging population in this province. He pointed out that they had no strategy in place to deal with that growing and aging population. They were not adding beds to the system.

It was this government that in 1998 moved forward on an ambitious plan: \$1.2 billion and 20,000 new beds added to the system, up to 16,000 beds in our older facilities being updated, as well as the record investment announced on July 31 of this year of \$100 million. That's 100 million things we've done for long-term care in this province to ensure we're improving the nursing and personal care of our most vulnerable residents of this province in Ontario's long-term-care facilities.

## CORPORATE TAX

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. It has to do with the auditor's report. One of the most shocking things in it, among many, was the fact that it looks like about half of Ontario's corporations are not even bothering to file a corporate tax return.

In your answer earlier you indicated that, well, you've taken steps now, but I want to know the answer to this: the auditor points out that the reason for it happening is that the Eves government has stopped enforcing things. Since 1995, you don't even send out a letter telling people

to file. Since 1997, you don't send out a letter saying that if they don't file, there will be some action taken. So the government deliberately did not follow up on half of the corporations in this province not filing taxes.

I want to know the answer to this: why did the Eves government allow this non-filing to double, and why did you refuse to send out the letters telling people to get their income tax in?

**Hon Janet Ecker (Minister of Finance):** First of all, I disagree with the assertion in the honourable member's question. We have indeed taken steps going back to 1996 to put in place improved procedures, to hire new staff to make sure we were going out and collecting tax that was owed to the Ontario government, to the taxpayers. As a matter of fact, we collected over \$1.4 billion this spring. As of March this spring, we have collected over \$1.4 billion in taxes that are owed to the government, taxes that were owed that had not been paid. There was a \$400-million increase from what we anticipated we would get.

The improved enforcement procedures are working. Do we need to do more? Absolutely. That's why we started with the last auditor's report to put in place improved procedures. They have been coming on-line on a regular basis. We are improving the enforcement. We are improving the amount of money we're bringing in. We thank the auditor for his continued vigilance in this area, and we will continue to implement his recommendations as we improve tax collection in the province.

**Mr Phillips:** Listen, I think the public understand and pay attention to the Provincial Auditor. I've been saying about the government, don't listen to what they say; watch what they do. The auditor's report shows half of the corporations not filing their returns. The auditor's report says the major reason for that is because of the government. The auditor's report—the people of Ontario, I think, have confidence in the Provincial Auditor. This is what he says: this increase is “largely attributable to the ministry's reduced efforts.” Default notifications haven't gone out since 1995. “The threat to cancel a corporation's charter and seize its assets” hasn't gone out “since 1997.”

It's very clear. Despite all of your rhetoric, the auditor has found you out. I say again to you on behalf of the Premier, how in the world could you allow the number of corporations in this province, virtually half of them, to not be filing corporate income tax, when people in this province are begging for money for health care and education?

**Hon Mrs Ecker:** The reason we have had over a billion dollars' worth of tax revenue collected that was owed to us as of March 31, this spring, is because of the steps we have taken and are continuing to take to improve the collection of taxes in this province: over 750 auditors and investigators; new information technology; new field audits; training of staff. The auditor has continued to push us in this area. We agree with his recommendations. We've started taking steps since 1996 and we will continue to take steps because, whether it's an individual, a small business or a company, if taxes are owed, they should be paid.

## FIREARMS CONTROL

**Mr Steve Gilchrist (Scarborough East):** My question today is for the Minister of Public Safety and Security. As all members of this House are aware, an ongoing battle has been waged in the streets of Toronto over the last few weeks involving gun violence. Far too many people have lost their lives in the violence involving a firearm. In fact, at least one victim, the individual who had illegally overstayed his short-term entry visa, was a resident of my riding.

I think all Canadians understand that the federal government is supposedly moving forward with gun control. They have every right to question how all of these crimes can be committed when, supposedly, guns are controlled in this country. The legislation is designed to keep firearms out of the hands out of the wrong people. I wonder how the minister can explain how all these crimes are being committed with guns in the city of Toronto.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** Thanks to the member for Scarborough East for the question. The sad fact is that the gun control legislation brought in by the federal Liberals simply does not work, nor evidently does the sentencing associated with gun-related crime. The federal cousins of our friends across the floor have spent far too much of taxpayers' hard-earned dollars on a registry that fails to target criminals and instead targets the farm widow who has an antique shotgun stored in her attic.

In addition, the sentences and fines that are given out to offenders who use a weapon in the execution of crimes is hardly a deterrent. The fines are often just the cost of doing business for criminals and criminal groups, and the sentences they receive are often plea bargained down.

We have called on the federal Liberals to not only invest dollars into front-line policing initiatives, such as our community policing partnership, but also to create stiffer sentences for crimes that involve the use of a weapon.

**Mr Gilchrist:** I thank the minister for his response. Much like we've seen with the Romanow report this week, where the federal government is trying to suggest that just because there are some recommendations out there, magically a problem has been solved. Contrary to what the members across in this House think, we on this side of the House are not at all surprised to hear the auditor's report suggest that the billion-dollar boondoggle that has been federal gun control legislation has not protected the people of the province of Ontario. In fact, I'm sure that the fed's own auditor will agree and will go into great detail to comment about the failures of the federal legislation.

As well, it's quite obvious that the members opposite have no idea what it takes to implement a law-and-order agenda since they've simply photocopied ours.

Our government is onside with victims of crime and the law-abiding citizens of this province. I would like to ask you to tell the members of this House what we've

done here in Ontario to try and get a grip on gun violence in this province.

**Hon Mr Runciman:** I'm pleased to see the member for Scarborough East has pointed out the fact that the Liberals here in Ontario are just as weak with their law-and-order agenda as their cousins in Ottawa. The Dalton-come-lately approach just won't sell.

I'm proud to say that our government does take the issue of gun violence very seriously. One example is the OPP's provincial weapons enforcement unit. This unit has an ongoing relationship with other police forces, as well as the RCMP, to reduce the flow of guns into Canada. Their projects have seen quite a number of firearms taken out of the hands of criminals in Ontario. In fact, this year to date they've seized 807 weapons and laid 230 charges. That's over 800 weapons that would have been used to terrorize our neighbourhoods that are now safely out of the hands of criminals. The Toronto police weapons unit is also making successful seizures.

We are making headway, but with increased support from the federal Liberal government, we could clearly make greater gains. It's time the federal Liberals got off the bench and into the game.

1450

## HYDRO ONE

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. The Provincial Auditor today gave a significant warning on the electricity front; I might add that I think the auditor has been very vigilant in this area on behalf of taxpayers. The warning he gave us today was about selling off more assets of Hydro One. He urges the government to be very cautious in selling off assets, because if you sell off the 49% of Hydro One, that revenue cannot be used to pay down the stranded debt. He is concerned, as we are, that over the next few weeks it is your government's intention to sell it off. Recognizing that the auditor has now warned you sufficiently, can you announce today that the plans for the sale of 49% of Hydro One are not going to proceed?

**Hon Janet Ecker (Minister of Finance):** As the Premier and this government outlined in the spring, we have started a process for a strategic partner to assist the government in bringing private sector discipline into Hydro One. I think some of the discoveries that have occurred in the last couple of months would certainly show the need for that. Second, we need investment in the system, and a strategic partner will help us do that. We have a competitive process out there. At the end of the day, we will make a decision in the best interests of Ontario taxpayers when the bids are in.

**Mr Phillips:** Well, I love the private sector discipline Mr Farlinger has brought to the management of Hydro for the last eight years.

You are, I gather, confirming that it is your intention to proceed to sell a significant portion of Hydro One. You told the Legislature a few weeks ago that this would



be done in a public way. We've since found out it's all being done behind closed doors, privately, with a deal that will be signed, the contents of which the public may never get to see.

Recognizing what the auditor has warned us, the Legislature, about—this is his message of warning to us today—will you agree not to proceed with the sale of Hydro One unless you bring forward any deal—we are against the deal, by the way—for approval here by the Legislature in public? Will you agree to that today, if you will not agree to simply do what the auditor is recommending and cancel the sale completely?

**Hon Mrs Ecker:** If the honourable member is seriously suggesting that we should debate the finer points of electricity, the hydro transmission lines and offers here at the table, then he doesn't understand much about the competitive process that is laid out to have bidders assessed in an appropriate way to make sure the offer is good for Ontario taxpayers. That is exactly what we are doing. It is a process where the criteria are out there, where the bidders have an opportunity to make their case.

At the end of the day, what is important here is that there be private sector investment in the hydro transmission lines, that consumers can be assured that the system will function the way it is supposed to, so that the electricity system can function the way they want it to function, that when they turn on a light the power is there, and also to ensure that the organization is being run in the most cost-effective fashion possible.

We laid these criteria out in the spring. Those are the criteria we will—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### INDEPENDENT HEALTH FACILITIES

**Mr Bart Maves (Niagara Falls):** My question is to the Minister of Health. As the Romanow report makes clear, Ontario is the leader in health innovation across Canada.

*Interjections.*

**Mr Maves:** It's true. Pardon my voice, Speaker.

There are almost 1,000 independent health facilities currently operating in Ontario right now. These IHFs offer services such as CT scans, X-rays, laboratory testing and dialysis. All are privately owned facilities providing Ontarians with quality, publicly funded health care services.

Could the minister please clarify once and for all for this Legislature that our plan to extend access to MRI services in Ontario through privately owned facilities is acceptable under the Canada Health Act? Could the minister also explain that this plan is consistent with our established practices—by the way, originated by the Liberal Party of Ontario and followed through on by the third party since 1990—that govern the hundreds of independent health facilities currently operating in Ontario today?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I thank the honourable member for the question. As I've said on many occasions, our approach to MRIs and especially the legislative, regulatory and contractual protections to prevent queue jumping is not only consistent with the Canada Health Act, but is a model for other provinces contemplating enhanced access for their citizens. As the Premier said yesterday in this Legislature, we have spoken to Mr Romanow, we have talked with his officials at the commission about this and we have their support for our approach and its specific protections.

I welcome the opportunity soon to cut ribbons on these new clinics to serve the people of Ontario, to reduce wait times and to get better health outcomes, which of course is the goal of at least the members on this side of the Legislature. As the member for Niagara Falls mentioned, there are many private labs, many X-ray clinics, many other such institutions that exist in this country. It's like when you visit your family doctor or local clinic. The buildings you go to are privately owned and run, yet the service—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### VISITORS

**Mrs Sandra Pupatello (Windsor West):** On a point of order, Mr Speaker: Today in our gallery we have representatives from the Yonge-Bloor-Bay Business Association that I was very happy to speak with not long ago, if they could rise and have applause: Rose Hahn, Norman Bergstein, our own Douglas Jure—I love to say that—and of course Jon Johnson is also here and is well known as one of the pre-eminent authors for books regarding NAFTA. Perhaps you wouldn't mind standing and taking a bow.

#### PETITIONS

##### LONG-TERM CARE

**Mr James J. Bradley (St Catharines):** I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable" citizens "more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors, who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I affix my signature. I am in complete agreement with this petition.

1500

### HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** Yesterday there was another tragic accident along Highway 69. This petition deals with the multi-laning of that Highway 69 between Sudbury and Parry Sound.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas, in the last three years, 46 people have tragically died" on that highway between Sudbury and Parry Sound; and

"Whereas so far this year 10 people have been tragically killed" driving between Sudbury and Parry Sound along Highway 69; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action"—not promises, not rhetoric, but immediate action—"is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government clearly has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I sign this petition, and I give it to Garnet to bring to the table.

### DÉRÈGLEMENTATION DE L'ÉLECTRICITÉ

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** J'ai une pétition ici qui contient plus de 3 500 noms, ce qui porte à plus de 6 500 signatures de citoyens concernés.

« À l'Assemblée législative de l'Ontario:

« Attendu que le gouvernement Harris-Eves a déréglementé le marché de l'électricité ontarien le 1<sup>er</sup> mai 2002 sans que cela ait fait partie de ses programmes de 1995 ou 1999 et sans mandat de la population de l'Ontario;

« Attendu que le prix de l'électricité a atteint des niveaux outrageux, augmentant parfois de 100 % depuis le 1<sup>er</sup> mai 2002 et causant de graves difficultés financières aux Ontariens et Ontariennes;

« Attendu qu'Ontario Power Generation (qui appartient au gouvernement de l'Ontario) a demandé à la Commission de l'énergie de l'Ontario la permission de réduire de 20 % le rabais promis aux Ontariens et Ontariennes si le prix de l'électricité dépassait les 3,8 cents le kilowattheure;

« Attendu que l'instauration d'un climat de concurrence dans le marché de l'électricité a été gênée par l'incertitude engendrée par les tentatives du gouvernement Harris-Eves de vendre une portion d'Hydro One et qu'un tel manque de concurrence a eu un effet à la hausse sur les prix;

« Attendu que le gouvernement Harris-Eves a autorisé le versement de salaires et primes exorbitants de l'ordre de 2,2 \$ millions par année à l'ancienne présidente de Hydro One et au-delà de 1,6 \$ millions par année au vice-président d'Ontario Power Generation;

« Nous, soussignés, demandons au gouvernement Harris-Eves de prendre des mesures immédiates pour faire en sorte que les Ontariens et Ontariennes payent ce service essentiel qu'est l'électricité à un juste prix et demandons également que le gouvernement conservateur et son chef, Ernie Eves, déclenchent une élection générale sur l'instabilité du marché de l'énergie pour ainsi donner aux Ontariens et Ontariennes la parole à ce sujet. »

J'y ajoute ma signature avec fierté.

### CRUELTY TO ANIMALS

**Mrs Sandra Papatello (Windsor West):** I'm hoping that the page from Windsor West can bring these to the desk once I read them. This is our page from Windsor



West. You have to stand in so everyone back in Windsor can see you, Niyi. Our petition:

"Whereas animal abusers are not currently subject to any provincial penalties;

"Whereas it is currently impossible for a judge to ban puppy and kitten mill operators from owning animals for the rest of their lives; and

"Whereas Ontario SPCA investigators need to act on instances of cruelty to animals in a more timely fashion, thereby lessening the animals' suffering;

"Whereas it is currently not an offence to train an animal to fight another animal; and

"Whereas Ontario's animals are not adequately protected by the current law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass the amendments to the Ontario Society for the Prevention of Cruelty to Animals Act developed by a governmental working group (which included the Ontario SPCA) and submitted to the office of the Solicitor General of Ontario in June of 2001, so that the above conditions, among others, will be properly addressed."

I will be signing this petition. I'm giving it to Niyi for submission.

#### SCHOOL BUS SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** "To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is a licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002....

"And we ask for the support of all members of the Legislature."

I have signed this.

#### LONG-TERM-CARE FACILITIES

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** My petition is to the Legislative Assembly of Ontario.

"Whereas the over 60,000 Ontarians living in long-term-care facilities are older, frailer and sicker and require more care than ever before;

"Whereas government funding has not kept pace with increasing needs of residents of long-term-care facilities;

"Whereas current funding levels only allow limited care;

"Therefore we, the undersigned, petition the Legislative Assembly" of Ontario "to ask the government to provide additional operating funding to increase the levels of staffing to an acceptable level of service and to reduce the risk to those individuals living in long-term-care facilities across Ontario."

I have also signed the petition.

#### COMPETITIVE ELECTRICITY MARKET

**Mr Garfield Dunlop (Simcoe North):** I have a petition on behalf of my constituents. It says:

"Whereas Ontario opened its electricity market to competition as of May 1, 2002, with resultant extremely high prices; and

"Whereas suppliers are permitted to upwardly adjust metered consumption by a factor which varies area to area, and base most elements of the rendered accounts on this upwardly adjusted consumption; and

"Whereas this practice appears to be in conflict with the provisions of the federal Gas and Electricity Inspection Act, section 33(k), (l) and (m);

"Therefore, the undersigned petition the Legislative Assembly of Ontario to dispense with the competitive market system and revert to the system in effect prior to May 1, 2002."

I'll sign that on behalf of my constituents.

#### POLICE SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition to the Legislative Assembly of Ontario.

"Whereas in 1956 the province of Ontario ordered the township of Atikokan to create a municipal police service because the township's population had exceeded 5,000; and

"Whereas the province of Ontario has since failed to make any provision for Atikokan to return to provincially subsidized policing when the township's population fell below 5,000 in 1980—it continues to be below 5,000; in 2001, it was "3,632;

"Whereas since 1980 Atikokan has had to spend over \$14 million on policing while the province was providing free ... or heavily subsidized ... policing to all 580 of the other small towns in Ontario; and

"Whereas this injustice has resulted in a significant municipal infrastructure deficit and an onerous burden on Atikokan ratepayers;

"We, the undersigned, call upon the Legislative Assembly of Ontario to right this injustice by negotiating a fair and equitable settlement with the representatives of the council and police services board of Atikokan."

I first presented this petition yesterday. There are now over 300 signatures from the township of Atikokan on this petition. I affix my signature in full agreement.

#### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "To the Legislative Assembly of Ontario:

"Whereas we, the residents and cottagers of Bob's Lake, strenuously object to the permit issued by the Ministry of the Environment to OMYA Inc to remove 1.5 million litres of water per day from the Tay River, without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest; and

"Whereas it is our belief that this water taking will drastically impact the environment and seriously affect the water levels in Bob's and Christie lakes. This in turn would affect fish spawning beds as well as habitat. It would also affect the wildlife in and around the lakes;

"Whereas Bob's Lake and the Tay River watershed are already highly stressed by the historic responsibility of Parks Canada to use Bob's Lake as a reservoir for the Rideau Canal; and

"Whereas the movement of water from the lake through the watershed for navigation purposes in the canal provides sufficient stress and problems for the lake. This water taking permit will only compound the stresses on the waterway;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that this permit be rescinded until a comprehensive evaluation of the impact of water taking by OMYA Inc on the environment, the water levels and the water needs of these communities is complete. An independent non-partisan body should undertake this evaluation."

I'm happy to affix my signature to this petition and hand it to the page, Brian.

1510

#### HIGHWAY 407

**Mr James J. Bradley (St Catharines):** My petition is to the Legislative Assembly of Ontario:

"Whereas motorists using Highway 407 are being gouged with charges that are far beyond what is reasonable and justified;

"Whereas billing errors are forcing motorists to spend hours on the telephone trying to have such errors corrected;

"Whereas some motorists in frustration and exasperation are paying charges they did not incur for the use of Highway 407;

"Whereas the government of Ontario acts as an enforcer for the Highway 407 Corp and is, in our view, complicit in the collection of questionable charges;

"Whereas the Eves-Harris government sold Highway 407 to a buyer who has increased charges well beyond what the government promised;

"We, the undersigned, call upon the Legislative Assembly to condemn the Conservative government of Ontario for selling Highway 407 to private interests and for permitting the Highway 407 Corp to raise charges for the use of the highway and other administrative charges that cannot be justified."

I affix my signature; I'm in complete agreement with this petition.

#### LONG-TERM CARE

**Mr Rick Bartolucci (Sudbury):** This is a petition to the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

Of course I affix my signature and give it to our page, Olaniyi, from Windsor to bring to the table.



## ORDERS OF THE DAY

### TIME ALLOCATION

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity, when Bill 210 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division—I want to be very clear about this—relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Deputy Speaker (Mr Bert Johnson):** Mr Stockwell has moved government notice of motion number 81.

**Mr Rick Bartolucci (Sudbury):** I stand in my place and proudly say that I won't be supporting this time allocation motion as we, Dalton McGuinty and the Ontario Liberals, have consistently spoken out against time allocation motions because what they do is stifle and limit debate. They stifle and limit the opportunity for Ontarians to take part in the process of policy-making. We all know that this particular government, especially since Premier Eves has taken over, has used time allocation, or might I say, has abused time allocation on too many occasions.

If we were to do a little history on the use of time allocation motions, you would see that the government that the Conservatives across the way like to refer to so often, the Peterson government, only used time allocation five times from 1985 to 1990. Bob Rae's NDP government used time allocation 18 times in their five years—a 300% increase from what the Liberals did. But here is the figure that is I think most startling to the people of Ontario: between Mike Harris and Ernie Eves, the government in power today has used time allocation motions 87 times.

So you wonder why we as the official opposition constantly refer to the governing body over there as the Harris-Eves government: because Mike Harris and Ernie Eves—partners, if you will, in crime—have decided that they will stifle debate in this Legislature, that they will cut off opportunities for people in Ontario to take part in the legislative process of defining policy by limiting the amount of input that they can have. They've done that on

87 occasions. Premier Eves took power just a little while ago, and it should be noted, quite sadly, that he has invoked time allocation on every bill with the exception of one. So what we have here, people, is a government and a Premier across the way who don't want to have debate, who don't want the people of Ontario to have debate.

Do you know that when you define a time allocation motion, what you are really saying is that it's a closure motion, that the government doesn't want any more debate on it? They are carefully worded so that they don't only stifle debate in this particular instance, but they also stifle debate when every bill comes back for third reading. So it's a double whammy that the people of Ontario are getting. They are, in fact, not being provided with opportunity to have input into the laws which are going to affect them directly.

Let me speak in particular to this bill, Bill 210, which is the Electricity Pricing, Conservation and Supply Act. I believe the people of Ontario should have input into this. I believe that this has serious ramifications for the municipalities across Ontario. It would have been my hope, certainly, as an individual, that this government send this to committee so that the committee could travel to Sudbury and hear from people who are running our local utility why this government has to ensure that they provide resources for those municipalities, like Sudbury, which had started to prepare for deregulation.

### 1520

Our city is going to suffer to the tune of approximately \$6 million to \$7 million. That's what it cost us to prepare for deregulation. Do you know that Bill 210 doesn't address that? Bill 210 says, once again, "Guess what, residents of municipalities across Ontario? You're going to be hit with another downloaded cost. There is no question, with Bill 210, you will be getting a rebate, but those costs that have already been expended by our local utility have to be recovered." The way they will be recovered is through our property taxes. That's extremely sad.

There are alternatives to that. Had you sent this out to committee, had you sent Bill 210 on the road, to travel and to visit municipalities, like the municipality of Sudbury, which is going to be negatively affected because of your changing of the course with regard to deregulation—what we have here is no opportunity for my city to have input into this bill. I think that's wrong.

For that reason, and also because you are stifling debate, I will be voting against this time allocation motion.

**The Deputy Speaker:** Further debate?

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Speaker: I raise this point of order on a very serious matter. We were just presented with a motion by the government House leader which he refused to address. I think you will agree with me that in the last seven years that you and I have been here, this has never happened before. The government has not in any way tried to justify the reason for bringing this motion forward.

Now, on the second go-round, they refuse to get up and discuss the bill. It has been an accepted practice in this House that we go by way of rotation, and to force one party to use up all of its time so that the other parties can somehow get involved in the rotation later on, I believe, is an abuse of the process, in particular since this particular motion wasn't even addressed or given any justification at all by the government House leader.

I'd like you to rule on that point of order, Speaker.

**The Deputy Speaker:** That is a point of order, but until you get me a prod so I can go around and make people stand up and do it, I will rule that it's not my job to get speakers. So I go in rotation. Further debate?

**Mr Dave Levac (Brant):** Thank you, Speaker. I appreciate your ruling but I hope somewhere down the line that the House leaders or the three parties do address that very serious issue. It's getting to the point where people are wondering what's going on inside here. It has raised concerns of many members from all sides who have been here for a long time and are deeply concerned about these types of democratic processes. So I would encourage that something get done for it.

Time allocation: here we go again, shutting down debate. In the 37th Parliament: total bills passed, 89; bills passed with time allocation, 51. Some 57% of all of our bills are being passed this way now, and it's stifling debate. It's stifling great opportunities for people to point out concerns with legislation: some of the faults in it, some of the flaws, some of the improvements that could get offered. The process of consulting, throwing a bill together and saying they have consulted, without anybody seeing the bill until they want to do it, and then they throw in the first, second and third reading closure motions, making the debate stop so that no one can put feedback in except what's in this House: so when you diminish that, there are really big problems with the process that are being pointed out.

I will say again, it is being pointed out by many members on all sides of this House. They're very concerned about this process, and I have to voice my concern. Being relatively new to this process, my expectation was that we were trying to pass the best possible legislation in this place for all of the citizens of Ontario, and, boy, have I ever got it wrong. I'm sorry to say that, and I hope there's a glimmer of light in this with the member for Kingston and the Islands' point of order. The fact is, we hope we can get members from all parties to stand up and start talking about the process in this place. There's deep concern about that, and I know that no one is going to heckle, because they know we have to seriously talk about that reform. Once we get into that, I'm sure we can get back to passing legislation that's the best possible legislation, not one party's complete, total idea of how this should run.

Why am I talking about that? I'll give you the examples. I had an interesting meeting with my municipality. They brought me in to talk to Brantford Power about various issues about this particular bill, Bill 210. Maybe people are not aware of this, but the municipi-

palities are going to be on the hook for a tremendous amount of money according to this legislation. I'm going to go over three or four things that I hope the government is very aware of, and I hope it understands that AMO, small urban municipalities and utilities across the province will not be happy with them. This particular bill is going to cost my Brantford Power utilities, and city council by extension, at least \$5 million to \$7 million in putting this thing together. I saw the figures they showed me in terms of the calculations. Their calculations showed that if this rebate plan were allowed to be kind of functionally done by the municipalities, because of their efficiency and the way they've run their utilities, that rebate cheque would be for \$45. They're on the hook now for a \$75 refund. That's a difference that they have to make up. It's unbelievable that people are not aware of this.

I would caution us, let's not jump on the wagon so quickly as to say that this government's got it right. Maybe they've headed down the path of rebate, which was already in existence, that should have been in existence. It was in existence, but not the way it turns out in this particular piece of legislation. I'd ask people to make sure that utilities understand and then educate yourself on what's going to happen in your municipality.

There were three different options they had: declare themselves non-profit, declare themselves profit, or sell it back to the person they brought it from, Hydro One. Guess what happens. They have to sell it back for the price they bought it for. By selling it back for the price they bought it for, whatever that price was that they got, that money is gone. It's probably gone into roads, sewers and water. In some cases, it's up around \$50 million to \$60 million. That municipality, if they choose to do that, has to come up with \$50 million to \$60 million. A lot of the municipalities I'm aware of have decided to adopt a no-debt format, so that means they have to re-enter debt of \$50 million or \$60 million. That, to me, deserves a lot of attention and possible debate, but we can't do that. We can't bring that to your attention because this is it; this is our last kick at the can.

There are other issues here. If you declare for-profit, and here's the real rub, you're given a resolution by the government, the government's resolution that they're telling city councils they must pass. The wording basically says, "We, the municipality, have been ripping you off; therefore we adopt this particular process that the government says is the way to go." Well, tell me that you're not going to get preambles to that resolution, and deservedly so. If you get preambles to that resolution that condemn the government for this particular program, you're going to cost municipalities \$5 million to \$7 million and possibly go into debt for \$50 million to \$60 million if you sell it back. Who gets that gain? Nobody gets a gain except for Hydro One.

And guess what Hydro One gets to do. Hydro One doesn't get to set the price. It's already got its price protected at 9.93. Our municipality has to set it at 4.3. The question I have that still hasn't been given an answer



by the government side is, where did the 4.3 come from? They made it up. Municipalities get it locked in at 5.2, I believe. What's the difference? Who pays that? Another cost to the municipality.

I'm saying to the government, you have not paid attention to this particular project. It's another example of trying to put a Band-Aid on a six-inch gash.

The mismanagement: I come back to that one. I've said it from the very beginning during these debates. There is large mismanagement that is going on from that side, and they're going to placate. I saw the member from Stoney Creek stand up the other night and say, "I have not received one telephone call. They're gone." He said, "The telephones have stopped ringing completely because we solved the problem."

1530

Number one, you created the problem in the first place. Two, you had no plan on how this was going to roll out. Three, I want to include, and I think the member for Sudbury is right, the member for Durham, because he's the one who says they've got it right, that they did it right all along and everything was perfect and hunky-dory, thank you very much.

Quite frankly, what we're going to find is municipalities across the province ringing the phones of the MPPs on the other side off the hooks, and I challenge them to do that, because they're the ones who are saying there are no more phone calls, there are no more concerns about hydro, that it's all been taken care of. There's been a large hue and cry coming from the other side saying that there's a lot of fearmongering going on—they first accused the NDP and then they included the Liberals in this—that there are going to be blackouts. I didn't hear there were going to be blackouts from Joe Schmo down the street. I heard there were going to be blackouts from experts in the field, people who know exactly what happened in California and all over North America where they decided to go down this road. The first thing they said is, "You know what? You think California was bad. You're in deep, deep trouble."

I want to end with just a couple of observations and a plea. My first observation is very clear: something is wrong that our municipalities are going to have to absorb all the bad news in this situation. I challenge the government to ensure that our municipalities are not faced with that. And last, but not least, answer the question: where did you get all your information; where did you get all your statistics? I'm telling you, they didn't do their homework and they've mismanaged the portfolio.

**Mr Steve Gilchrist (Scarborough East):** It must be a real treat being a member of the official opposition and being able to come into this House day after day and give exactly the same speech. It sure must cut down your research time and your preparation time and allow you to sleep in every morning. We hear the same old, same old whenever it's a time allocation motion, about how terrible it is that the government is actually moving forward, that the government is showing initiative, that the government is listening to people in this province and

is then reflecting what we've heard with a piece of very positive and proactive legislation such as Bill 210.

The members opposite would suggest that if we continue the harangue that passes for debate in this chamber for more than the three days that have already taken place on this bill, somehow it would change the outcome. The members themselves know that aside from the rare day in committee where they offer the occasional amendment, the debate here invariably involves the opposition saying we are 100% wrong, that even if we did our policy development using a dartboard, we couldn't get anything right in seven and a half years. That's really quite arrogant and it's really quite insufferable, and it is also quite inaccurate.

The reality is that this bill in large measure arises from an all-party report of the select committee on alternative fuels, that had as its members three Liberals and one NDP, as well as four government members, and a government member as the Chair. While it may be painful, particularly for the members of the official opposition, to be reminded of this fact, they signed on verbatim to the conclusions of that very important report. They signed on to a commitment to move forward with the decarbonization of our energy stream, to promote alternative energy, to raise the profile of wind, solar, biomass, geothermal and fuel cells to unprecedented levels in this province, to come up with incentives to clean the air by cleaning our energy stream.

Now the members opposite would suggest, having signed on to that report in June as the representatives for their party, that somehow the government shouldn't act on it. But you know that if we didn't act on it, tomorrow's question period would revolve around why isn't the government moving forward, that it's been X number of months since this report came in or that report came in. All day today we heard them talk about the auditor's report: why didn't the government do this; why didn't the government do that in a timely fashion? The reality is that with this bill, we deny them the ability to continue to fearmonger, we deny them the ability to continue to create the false impression that notwithstanding the fact that they each had five years at the helm, they each failed miserably to change the environment, to change the very mechanisms through which power is generated in this province, and instead went down that same old road, building more coal plants and considering it a major accomplishment when one of the coal plants was converted to heavy oil or another one was converted to natural gas—baby steps down that road to cleaning up the energy stream. That's the best that either of those two parties can point to in a full decade of stewardship, a full decade of sitting on this side of the Speaker.

Our government not only commissioned the select committee, not only ensured that the report was received and accepted by the two most relevant ministries, Environment and Energy, but has now given rise to over 50 different actions flowing from the select committee report. Let me pause for just a second here and explain some of the things the government is doing.

We have put in place the most comprehensive, the most aggressive and the most creative assortment of tax incentives for businesses to develop new sources of green power generation. We're talking about exempting them from capital tax. We're talking about rebating sales tax. We're talking about exemption from property tax. We're talking about allowing them to write off the cost of building the generation equipment in the very first year in which those funds are expended. We're talking about taking the sales tax off solar products. We're talking about creating a mandate for the OEB to guarantee that every local utility puts in place something called demand-side management, which, just like the natural gas industry, will create an environment where, ironically, the utilities will be incented to cut your demand. They'll make more money if they help you, the consumer, control the amount of electricity you're using in your home or your small business. In the natural gas industry, the natural gas suppliers have received \$50 million as a result of those programs, but they've saved consumers \$500 million in so doing.

We've also said we're going to be taking some bold and unprecedented actions to clean up the environment in northern Ontario. We've said we are committed to eliminating the use of diesel as a fuel for generating electricity in the north and replacing it instead with completely clean and environmentally benign forms of energy generation, such as wind, solar and fuel cells. No government in the province of Ontario has ever made that commitment. No government had ever suggested the complete closure of all its coal plants until our government.

Unlike the official opposition, which, having signed on to a report, having travelled, having done the research, having listened to hundreds of presentations, written and oral, and coming to the same conclusion as the government members that the year 2015 was a reasonable benchmark, was a reasonable deadline for the closure of the last of our coal plants, I guess feeling that they'd been trumped, outmanoeuvred, just arbitrarily decided they'd pick an earlier deadline. The small problem is that currently coal generates 21% of all the electricity used in this province, so if you don't have a plan over the next four years to add 21% new capacity plus the capacity you're also going to need for the growth in the economy, you're going to have the blackouts that our colleague from Brantford was just suggesting.

On the other hand, there is nothing in this bill that does anything nearly that irresponsible. There is nothing in this bill, just as there was nothing in any previous electricity bill we've passed, that will lead to brownouts or blackouts in the province of Ontario, as the member knows full well. There has not been one blackout in Ontario related to electricity supply—has not been and will not be. That sort of fearmongering has no place in this chamber, and I think the member should be very ashamed to have made that suggestion here today, as many of his colleagues have in the past.

We've gone much further than any government in the history of Ontario. But I think what is most gratifying, as

a member of that select committee, is the enthusiasm with which our Premier has embraced the concept of green power. I can tell you that as a member of the select committee, it was certainly my goal that we would see actions on the various recommendations we brought forward: a total of 141 recommendations covering not just fixed forms of electricity generation but also cleaner ways of powering motive engines—your cars, buses and trains.

**1540**

With this bill we have basically empowered the Minister of Energy to move forward on virtually every one of the recommendations that deal with fixed forms of electricity. And in those areas where we have not announced a concrete action yet, I have been asked by the minister to take on the job of further research, working with stakeholders, consumer groups, the Ontario Energy Board and everyone else involved in the production and use of electricity, to see how fast we can move on the balance of those recommendations.

Our commitment is absolute. Ontario is going to take a leadership role, not just within Canada, but all across North America when it comes to the promotion of green energy. We already have in this bill the framework for bragging rights. There is no jurisdiction in North America that has offered the sort of tax incentives and the strong, strong support for the philosophical concepts that were the underpinning of the select committee report. This is a bill that not only should pass very quickly, and for which every member of this House should be demonstrating support—we shouldn't even have wasted the three days of debate we've already spent, because every day we delay in passing this bill is another day's delay in getting the \$75 rebate cheque out to every consumer and small business in this province. It's another day's delay behind the empowerment of the ministry to move forward on these green power initiatives.

I'm excited to be able to share with you that, notwithstanding the bill has not passed yet, we have had incredible feedback from folks in the wind industry, the water power industry and manufacturers of solar products. We have had offers of support in diagnosing all of the existing barriers to the development of green power. I can tell you that the input we have had has been so detailed and thorough that we are going to be able to react at record speed in the preparation of the regulations and the policy statements arising from the new direction that this bill empowers the Minister of Energy to take. It will be an extraordinarily exciting time to be in Ontario if you have an interest in alternative fuels. Of course the bill does much more than that.

The bill also lowers electricity costs for consumers. It creates stability and certainty. It takes away the ability for—unfortunately, I have to say—the folks on the opposite side here to do the day-in and day-out fearmongering that the sky will be falling, that people will face bankruptcy in their homes.

It was most humorous when the members opposite would trot out stories of people here in the city of



Toronto whose bills had gone up, according to them, 100% or more. The small problem was, here in the city of Toronto, as a result of the tardiness of Toronto Hydro in their application to the Ontario Energy Board, they were never relieved of the ability to continue to charge the same 4.3 cents that they had been charging before the market opened on May 1. And so, if the rate for every consumer in Toronto was still 4.3 cents, precisely how do the members opposite explain that anyone's bill would have gone up? Could it be that perhaps they used more power? I don't think there's ever been a circumstance, not just here in Ontario but anywhere in this country, where folks buying more of a service shouldn't expect to pay more for that service. If you decide to leave your hot tub on all day, or if you decide to leave your air conditioner on in a summer with record heat, all day while you're away at work, you can expect your electricity bill to go up. For the members opposite to have somehow suggested that that increased bill had something to do with bringing in new competition and clarity in the electricity market was preposterous.

But they are now the architects of the portion of the bill that deals with giving stability back to people, not just here in Toronto but across the province. I personally believe that at 4.3 cents the province has created a plan that will pay for itself. When you look at the fluctuating price of electricity, not just within each day but from month to month, and average that cost over 12 months, you will find that if this model had been applied over the last two years, for example, we would have made money.

So the bad news is, thanks to the fearmongering from those who suggested the sky was falling, the reintroduction of the 4.3 cents means that individual consumers will not see as great a saving personally as electricity users. What they'll see as taxpayers, though, if we are right and the plan pays for itself and, I believe, creates a surplus, is that the \$38 billion in debt that that vaunted public utility our colleagues opposite promote all the time, Ontario Hydro, a \$38-billion legacy of its 30-plus years of selling electricity for far below cost, will be paid down that much more quickly, relieving our children and our children's children of the obligation to pay for the electricity we used.

To the members opposite for whom it is not anathema, I would suggest you go back and rethink your position on this bill. I, for one, can never endorse the idea of a future generation paying for a service I've consumed. That is the height of irresponsibility, and it undermines the very concept of why one would run for this office: to do the best when it comes to stewardship, not just for today but over the long haul for generations to come.

There will still be incentives to conserve once this bill is passed. The principal incentive is that the less power you use, the less you'll pay. It's a radical thought, but it happens to be true. It also is true that the large energy consumers, that top 1% that between them use 40% of all the power, are on the spot market. They're not covered by the 4.3 cents, nor do they want to be. They too share our faith that they can do better in the open marketplace.

Yes, there will be days, whether it's a record heat wave in the summer or a record cold snap in the winter, when the power gets more expensive than the fixed price was when the market was closed. But there are going to be a lot of other days in the year when they're going to be able to buy power at very, very affordable rates.

You won't hear it from the members opposite, but even through the summertime it was not at all unusual in the morning hours to see power down below 1.5 cents per kilowatt hour. In fact, one morning it dropped to 0.7 cents, one sixth of the price that businesses and consumers were paying before we opened the market. So for those who have the ability to shift their production, there are extraordinary savings that can still be realized.

The only thing this bill changes, effectively, is the price paid by that relatively small percentage of the energy demand reflected in the purchases by individual consumers. It was a necessary thing to do to take away all the mythology and the fearmongering that had become the commentary from far too many sources about what really was happening in the electricity market.

This bill is something that promotes greater certainty, and with that certainty will come greater investment. The members opposite again would suggest there would be blackouts flowing because now everyone is scared off. Well, those members weren't with me on Saturday up in Ferndale, where a private company—no public money—did the ribbon-cutting for a 1.8-megawatt wind turbine, nor were they there the day before, when a 9-megawatt wind farm opened next to the Bruce nuclear plant. I don't know whether they plan on showing up down in Picton, when a 32-megawatt wind farm opens in the next couple of months. The member from Sudbury may or may not decide to show up when the Sudbury wind farm—the city of Sudbury themselves have decided to partner with a wind turbine manufacturer to create 90 megawatts of power. I'm kind of betting that neither the member from St Catharines nor any of his colleagues will decide to show up if the 400-megawatt project proposed in the middle of Lake Erie goes ahead.

#### 1550

Those are the sorts of good-news stories we are hearing. It's a shame the media don't give as much ink to those as they do to the fearmongering and cries of doom and gloom from the Chicken Littles who tend to be the sources for information on issues such as electricity pricing. The reality is that between the wind and water industries, we're aware of over 2,000 megawatts worth of projects that are either under construction or at the environmental assessment stage. That's the equivalent of building four Pickering-sized reactors.

The initiatives we've brought forward in this bill will do nothing but build on that momentum that has already taken place, thanks to the initiatives the government already acted on over the last two years. By simply putting in place a property tax relief plan for new water power generation, in less than two years we have attracted \$200 million worth of new investments in small hydro plants, \$200 million worth of new construction and

a lot more supply of clean, reliable, made-in-Ontario power.

The members opposite would have us continue to buy, if not coal from Alberta, natural gas from Alberta or Saskatchewan. That's their idea of economic independence for our province. They like the idea of hundreds of millions, if not billions of dollars flowing from Ontario day after day. They don't see the economic benefits. If they do, if I'm wrong in that assumption, I look forward to their voting for this bill. I look forward to their standing in their place and endorsing it today by saying, "Time allocation is appropriate. We want to move forward. We too are finished with the talking. We want to see action." I look forward to seeing them voting for it at third reading.

**Mr James J. Bradley (St Catharines):** What is interesting in following the previous speaker is that I have a suspicion he actually believes what he said. It's one thing to spew forth the rhetoric, but it's another to actually believe it. The danger is that he might believe at least three quarters of what he just said to the Legislative Assembly. It's quite an explanation of how he got to the position he's in now, having been in an entirely different position before, but I can't be too critical of that on this occasion, I guess.

I also say to him that we don't get invitations to these events. We have to crash these events he talks about. I did crash the one in Niagara Falls because I had a hint they were going to follow through on one of my recommendations. I want to tell the member that when I look in this bill, I find a lot of the recommendations we've made. So while I think we can be justifiably critical of how we got in this particular position, I can't criticize you for stealing the ideas we have put forward.

One of them was Beck 3. I remember when Dalton McGuinty and I went to Niagara Falls on our latest visit to extol the virtues of Beck 3. I have several quotes from the member for Scarborough East who just spoke, saying, "Well, at this time it really can't be done. It's going to cost too much," and so on. I have the actual quotes. I won't read them in the House now.

A month or so later I went down to Niagara Falls and there was Bart Maves, my good friend, who had also said some pretty negative things about our visit to Niagara Falls, and he and John Baird were boldly announcing they were going to proceed with Beck 3. I was astounded, but when the media asked me about it, I wasn't critical. I said, "I'm happy to provide them with ideas. When they adopt them, I'm going to be the first one to applaud." So I stood on the sidelines and applauded as the two of them made that particular announcement, because of course they were adopting our policy, and how can you be critical when that happens?

I've looked at several components of this bill. The government got us into this mess. This bill has a lot of ramifications for local utilities and so on that have to be sorted out, but the government in fact has stolen so much in the way of what we have advocated that this bill has some attributes to it. I've got to say that.

**Mr Gilchrist:** Don't make me table that letter. Don't make me table it.

**Mr Bradley:** I will. I wish had the quotes from the member now. Maybe if my staff is watching they will get your quotes and I can use them a little later on. I was glad that the member mentioned that our committee certainly made a recommendation in that direction, but it was being fought by the government. This could not be done. Now the government is proceeding, so a big round of applause for proceeding with the project and accepting a good idea from the Liberal opposition. I can't be critical when you do that.

What I can be critical of is yet another time allocation motion. I was sitting down in anger last night—I want to share this with members—because I picked up an e-mail that said the government was going to time-allocate the following bills. To those who are watching at home on channel 67 unfortunately, not channel 15 any more in St Catharines, I will say to you that time allocation really means choking off the debate. Here's what I penned in anger late at night. You should never read those things the next day, but I thought it fit this debate in particular. It says:

"The Eves government is ramming through the Ontario Legislature several important bills with a minimum of debate and often no opportunity for public hearings or committee deliberations. Does anybody care? The Eves government is once again using taxpayers' dollars to engage in an orgy of self-serving, clearly partisan advertising and polling for political purposes. But does anybody care?"

"If the Eves government is not called to account in a very public and prolonged manner, how can Ontario's citizens have any hope that a fair and vibrant democracy can exist in this province? The Eves crowd has rigged the procedural rules of the Legislature to ensure complete control of the parliamentary process and timetable and uses its majority to choke off debate and shut out the public. Does anybody care?"

"If the government can get away with these transgressions with only a passing reference in the media, what hope is there for democracy in this province? Surely the argument that procedural issues are boring and too complicated for the public to care about or understand"—an argument made by the top echelons of the media, who make the final decisions about what gets on the air or what gets in the newspapers—"plays into the hands of an arrogant, condescending, overbearing regime which will impose its will virtually undeterred on the province and relegate the Legislative Assembly to virtual irrelevance. Surely the fact that media moguls are the direct financial beneficiaries of government advertising cannot override the need to embarrass and condemn those who abuse their public position by unfairly and irresponsibly squandering tax dollars for their own political gain. But does anybody care?"

The "anybody" it comes to is, of course, the national, the provincial and the local news media, because they are the ones who ultimately can purvey this message. I look



for the condemning editorials when I see over a quarter of a billion dollars spent by this government on self-serving, partisan government advertising, without a whimper from the editorialists in this province and the cranky talk show hosts who are usually out there condemning unnecessary government expenditures. Surely they are not influenced by the fact that the advertising is on their shows, surely not. That cannot be the case. I would never believe that. I would be too cynical to believe that. But when I look out there and see that government advertising continues, that this government is using taxpayers' dollars now to congratulate itself on the flip-flop it has done on the hydro issue—one which has been emulated—I have to say it's very unfair to the system. If you look at the ads now, they're saying, "Look, we just saved you." What did they save us from? They saved us from their own bungling and incompetence, their own policies that got them into this mess.

1600

Last day, I talked about what I thought was a reasonable thing to advertise, and that was the issue of getting the flu shot. You watch the television ads and you say, "Do you know something? It's not bad." Then it gets to the end: "And this is another way your government is looking after the health care system." There's always that political message that the brain trust in the backrooms of the Conservative Party put into these taxpayer-paid government ads. If they were ads paid for out of the huge war chest of the Conservative Party, a war chest which has been bolstered by its catering to the richest and most powerful people in the province—I notice today, for instance, that the Provincial Auditor said that half of the corporations didn't even file tax returns.

**Hon Mr Stockwell:** Half?

**Mr Bradley:** That's what the auditor said.

**Mr Gerretsen:** And nobody's doing anything about it.

**Mr Bradley:** And nobody's doing anything about it.

If the Conservative Party were to take the dollars it has gleaned from the corporate captains, the oil barons and others and use those dollars, I might not like the message but at least they wouldn't be using tax dollars to do so.

Here we have a government virtually getting away again with this kind of advertising. I ask the editorialists, I ask those who are the commentators out there, where are you? I don't hear you. You're silent. I don't read you. If that happens, then you'll get away with it. That's why governments do it. You ram things through the Legislature the way you do because you know you can get away with it: "Oh, that's procedural; who cares about that?"

The change in the rules of this House has had a major impact on legislation in this province. You've virtually taken away every chip the opposition would have to play in a process—virtually every one—because you simply time-allocate or set the timetable for all legislation going through. Some of it is very important; for instance, the provision on taking money from pension surpluses that is hidden in one of the bills. The other trick you use is to throw a number of things together into a bill so you've

got a couple of hostages in there. Instead of doing bills on individual subjects, where you could make a reasonable judgment, you throw it all together with a hostage in it.

My colleague says I have two minutes.

On this legislation, I would like to have seen some public hearings where people could have some input. The government might not agree or we might not agree with some of the input, but it would be there.

Another problem I want to mention to the government House leader, who is here, is the timetable in which amendments must be submitted. We were in Walkerton on the general government committee yesterday. Some good suggestions came forward. The ability to translate those into accepted amendments is very restrictive. What you start to outlaw as legitimate amendments makes it very difficult to make the process meaningful. I would like to go into the committee of the whole more often so we can deal with matters in a meaningful way, but of course that's the last place where we have an opportunity to make input.

I don't make this appeal to the government, because it will fall on ears that are not listening, to say the least, but I do make it to the news media out there who are watching and who have a chance to call this government to account on government advertising. This is not literal, but you get away with murder in terms of what you do in this Legislature. They are the last bastion of hope, because we alone cannot expose this with this government. Rather than the government story of the day, it would be nice if we had huge condemnations of government advertising and abuse of this House and of the electoral process.

**Mr David Christopherson (Hamilton West):** I appreciate the chance to comment. The matter before us today directly is the issue of time allocation, and I thought, since I had a couple of minutes, I would just put some thoughts on the record with regard to where we find ourselves these days.

Every opposition member who stands up and argues that the government automatically plans to introduce a time allocation motion with the introduction of virtually every bill is pretty much accurate, with a few exceptions. But it's worth taking a moment sometimes to stand back and ask ourselves, "How did we get here?" because a lot has changed in a very few short years.

I'm now in my 13th year in this place. When I first came here in 1990, the traditions that had been in place for decades, with very few changes, were still holding. For that matter, I was also, by virtue of being the elected caucus chair, on the House strategy committee, which was chaired by the government House leader at the time, so again I have a pretty good feel for the way things were and the way things are now, having served a couple of years as our House leader.

I can remember that when I first came to this place there were some excellent traditions that we've lost. One of them that I think is a real loss for all of us is the respect that all of us used to show for party leaders,

whether it was the Premier of the day, the leader of the official opposition or the leader of the third party. I can remember when Mike Harris would stand in his place as leader of the third party; you didn't hear heckles from the government backbenches. It just wasn't done. We've lost that. A lot of the heckling that goes on back and forth is there for a whole host of reasons, but I really feel it's a loss for this place that we don't have at least that kind of respect to show a symbol, to reflect the respect we should show this place, at least when our leaders stand up. If we are still having debates of ideas anywhere, which is what this place is supposed to be, it is when leaders are standing up either offering a leadoff speech or doing their question period questions. We've lost that, and now this place will heckle and drown out a Premier just as quickly as a backbencher who says something that upsets people. I think that's a real loss.

But I do remember what started things, and there are members who were here at the same time. My friend the current government House leader was pretty much in the same place I am over here, somewhere in this general area—

**Hon Mr Stockwell:** Right over there.

**Mr Christopherson:** Right beside it, he's telling me. He will recall the tradition of this place where at introduction of a bill on first reading, there was never a division—very, very rare. Mr Bradley can speak to it longer than most of us. By the way, he's about to assume the deanship of this place, along with Mr Sterling, assuming they both run again and both win. So he's been here longer than everybody here except two people, and he'll tell you and confirm that first reading divisions just didn't happen. There was a respect of the process to allow a bill to at least be introduced, and it was done because all members were considered to be honourable and they had the right to at least have their bill presented on the floor, even if it went no further.

I can also remember, and again I look to my friend the government House leader, a certain party leader who stood up and read all the rivers and streams and lakes. You know where I'm going.

**Mr Bradley:** Name names.

**Mr Christopherson:** I think at that time it would have been the leader of the third party, which was the Honourable Mike Harris. He stood up and it was basically a filibuster. Filibusters had been used in the past; Mr Kormos is well known for his filibuster on the then Liberal auto insurance bill. So it was very rare, and when it happened, it made news and it made a difference.

But what happened was—and now I'm beginning to editorialize, my opinion—the then third party, which is now the governing party, absolutely refused to accept the fact of, “Oh, my goodness, an NDP majority government. How can that be? They have virtually no right to govern. We've got to stop them, using any means we can.” What happened was, they were very effective. They literally gummed up the works of this whole place so that nothing was moving, and they made it clear that nothing was going to move. There was no need for negotiations,

because as long as the bill was on the floor, they were going to make sure this House didn't move.

And at the end of the day, the NDP government, of which I was a member, with a lot of caucus debate—and believe me, the debate at that time was, “Yeah, but what about later? What if we're in a position where we're somewhere else?” It was a valid concern, obviously. Look at where we are today.

**1610**

The fact of the matter is, we were a government. We were legitimately elected. We had a majority government and, at the end of the day, we had the right, as does the current government, to enact legislation. That doesn't mean that the debate time and the rights of opposition members should be run over, that the public should be denied their opportunity to have a say. I have some real problems with the way this government has approached those matters.

The notion that a majority government at the end of the day has the right to pass laws is, in my opinion, fundamentally sound. Given that the opposition had clearly found a parliamentary technique that seized any processing of the laws that a legitimately elected government was putting through really left us with no choice. And yes, it was our government that took the first major steps down the road that got us to this point.

As I think about this, and have over the last little while, especially since I've had the honour of being in the chair as the Deputy Speaker for the last year, I don't know that there's any real easy solution, because I also know, whether it's the official opposition in the name of the Liberals that forms the next government or the third party in the name of the New Democrats, they're going to be seized of the same issue, and that is, you've got a litany of things you're going to run on. You say, “If we're elected, we're going to implement them.” I assume we would all want to keep our promises and therefore we'll do whatever it takes at the end of the day to get that legislation through.

We're at the point now where this place is so irrelevant simply because—and I see the government House leader throwing his arms in the air. I think that means, “You know, I understand what you're saying. I'm in agreement.”

I don't know where we go. I really do not have a simple answer, but I do know that at the end of the day, those of us on this side of the House who are criticizing you—and rightly so—would be in exactly the same position if we were bringing in legislation that was very controversial or, as we're ramping up to an election, of course, things get tougher around here. But somewhere, the public have a right, in my opinion, to some of the respect and some of the input that was here for—what?—better than a century.

All of that is not to say that it's OK to keep ramming bills through with no public hearings. That one you can't defend. That is just pure cowardice.

You're afraid to go out—we remember what happened a few years ago, particularly when you brought in some



of your anti-worker legislation. We took it out on the road, and what happened? Well, surprise, surprise. You go after working people, they find out there's a public committee hearing dealing with that legislation and they're going to come out. They're going to be loud, they're going to carry picket signs and they're going to do everything they can to get media attention around what the government is doing. As uncomfortable as that may be, it's part of the price and part of the responsibility of the rights and privileges of a majority government.

You do not have the right to bring in controversial legislation, ram it through here with a time allocation motion and deny the public any opportunity to have word one on how they feel about the legislation. That has to change. The dilemma around bringing in legislation and the offsetting balancing rights of the opposition to hold up the government when they think it's appropriate is a conundrum that remains unresolved. It's worthy of any party asking for the right to govern to offer up something by way of change, because this can't continue. This really is becoming a joke.

The Premier and his or her immediate people decide what's going to be done. They take it to cabinet and cabinet gets on board. Rarely—it happens, but rarely—does a cabinet turn on a Premier, especially on a major initiative. So the Premier, having made a decision, can usually count on the cabinet, and once they've got the cabinet, then odds are they're going to be able to carry their caucus.

Although Premier Rae doesn't get nearly enough credit for bringing in a process—a lot of people aren't aware of this, but Premier Rae brought in a process that allowed the caucus to vote on whether or not a bill could be introduced. Under the Constitution, the cabinet has the right to bring in legislation, and that wasn't changed, but in terms of our own internal procedures, cabinet had to bring bills to caucus and receive a majority vote before they could introduce that bill.

**Hon Mr Stockwell:** How did you vote on the social contract?

**Mr Christopherson:** Against.

**Hon Mr Stockwell:** And it carried anyway.

**Mr Christopherson:** It carried anyway.

*Interjection.*

**Mr Christopherson:** I can say that because Bob Rae wrote it in his book, so I'm not divulging any secrets.

There were a number of times legislation was sent back, much to the chagrin of many ministers, myself included. I was the caucus chair when we negotiated that procedure and then I went into cabinet and found the procedure working against me in one case I can remember. But you know what? I'm the first to admit that when I came back with the second bill, it was a better bill. If I couldn't convince my own colleagues, who by and large were philosophically onside with the way I saw the world, that the bill should be the law, how could I expect the citizens, where you have a much broader philosophical approach, to think this is a good law? I just say that as an aside because I don't think Premier Rae has

been given enough credit for the major piece of democratization that he brought to this place.

Having said that, to go back to my point, once the Premier has the cabinet onside, the caucus onside, they bring the bill in here, and my friend from St Catharines is absolutely right when he stands up time and again and says that as soon as you've written the bill to be introduced, you're already writing the time allocation motion. We can literally predict when a law is going to take hold, and that's wrong. What it means is that unless you're a member, first of all, of the governing party in a majority government and you're a cabinet minister, you really don't have a lot of input around here in terms of major pieces of legislation, and that is a shame. In fact, as my good friend Mr Conway has pointed out in previous remarks—and if anybody wants to learn the history of this place, read some of his Hansard speeches; Bob Nixon's too. There are great lessons there in what's happened in our past vis-à-vis this place.

But there was a time when, before you could accept a cabinet position, you had to go back to your riding, hold an election and win on a vote of whether or not you would be allowed to go into cabinet. Why? Because the fundamental *raison d'être* of members of this place originally, back in the days of Confederation and pre-Confederation, was that ministers were seen literally, not just symbolically, as they are now, as the ministers, meaning the agents of the crown. In doing so, they were giving up a lot of their responsibility to speak out against legislation, because they were representing the crown. There was less party politics and a much greater respect for the fact that a majority vote of this place is what mattered. Those majorities would come from across party lines.

We've gone a long way since then, but think about it. Before you could accept a cabinet appointment, you had to go back to your own riding and convince them that you were worthy enough to be released from your day-to-day responsibilities to speak out against legislation on behalf of your constituents to now become one of the monarch's agents in introducing and trying to convince and coerce the rest of this place to support your initiative. We are so far away from that today that it would be almost laughable were it not so serious.

On the bill that this particular motion affects, I'm advised, once again, no public hearings. How many times have each of us on this side of the House had to stand up and say, "At this stage all we want is public hearings"? And when we say "public hearings," we're saying, give the public a chance to have at least some say. On the fact that you can now deny that time after time, I want to agree with the member for St Catharines: where are the media outrages? Where is the public protest around the fact that major pieces of legislation routinely go through this place and nobody gets a say? How did that become OK? How did that become business as usual in Ontario? It bears very little resemblance to democracy as I know it, yet here we are again.

1620

There's a lot being said out there. There are some good discussions happening on TV, public affairs channels and news channels: analysis, in-depth journalistic reports. There's a lot in the print. There's lots and lots of debate, except for in the one place where debate really matters, which is here or in our committees. That's not happening.

Great, the chattering classes, we all get a chance to have our say, but we're this much of the population: a few grains of sand on the entire beach, and the beach gets nothing to say. That is so wrong. If you're going to go out and get beat up, too bad. If you want to drive around in a limo, make all the decisions, have the big office, all the staff, the respect, the perks and all those things that go along with being a cabinet minister, fine. But if you're a member of the caucus and you aspire to be a cabinet minister, and part of earning your spurs is going out there in the public and defending legislation, then you've got to go out and do it. If you're going to take some heat, too damn bad. Either take the heat and suck it up, or go back to your government, which would be far more preferable, and convince them they're wrong and make the anger go away.

Ontarians are reasonable people. If you bring in reasonable legislation, they'll understand. Yes, you're going to have the opposition parties load up the hearings as much as they can to bring in their supporters, but, hey, give me a break. You've cut our budgets; we don't have as much money as opposition members as we used to, so we can't mount the same kind of effective campaign. Besides, even if we were back up to full speed on what the budgets used to be for members, it's still nothing compared to the resources of a majority government. You not only have full caucus services like all of us and more, because there's more of you, but you have all the resources of a government: all those cabinet ministers and their staff; all of the communications departments within ministries. Albeit there's a fine line that has to be respected between the business of the government and the business of the party in government, but those resources are there.

It's not good enough to say, "Well, we go out to committee hearings, and all that happens is that the NDP goes and gets all those labour people to come out and complain." Duh. That's how a pluralistic democracy works. At least, that's how it's supposed to work, because we know those same labour people aren't getting access to the decision-makers through any other means; your friends do, I have no doubt about that. Unless you're a friend of this government, you don't get a say. You don't have any vehicle to have a say.

Do you know what? This is probably going to go through, and there won't be much said. There won't be any public hearings on something that practically bankrupted individuals and small businesses in my community. What you did to hydro is shameful, and nobody gets a say.

You scared people half to death. There were families who didn't know where they were going to get the money to pay for the hydro they need to warm their families and the food to feed those families. That's how serious the crisis was in Ontario, and nobody gets a say?

That riles me up a lot more than the time allocation motion. I'm not happy about the time allocation motion, and I'm going to vote against it, but I have to tell you that I feel much more passionately about the fact that nobody else will get a say. It's one thing to shut us down after a few days. I, at least, have my chance to vent and to represent my 100,000-plus constituents as best I can, but that is not the same as coming to Hamilton and giving the people of Hamilton a chance to come out and have their say, and to have the experts come out and have their say and put it on the public record. That's what's shameful about this. It's become routine. That is now not just shameful, that's frightening.

What's the next thing we're hearing? Now you're going to spend \$1.4 million on an advertising campaign to tell the public how you're going solve the problem you caused in the first place. You listen to the ads, you read the ads, you watch the ads and you think: "Boy, we must have been invaded by aliens who came in and took over our hydro system and did all kinds of damage. Thank goodness Premier Eves and his government are there to step in on our behalf and save the day." Except that's not the way it happened. You did it. It was your plan—more of this, "If we privatize it, it'll be better."

I've always maintained there is lot's of room for a mixed economy. Nothing should automatically be public or private without good reason. Our hospitals should remain public for good reason. We've now learned—as New Democrats we knew all along but now the rest of the province knows, especially the government—that there is a very good reason to keep power generation and power supply in the public domain.

Why? Let's see. The government said they were going to do this because it was going to bring in more investment. With more investment would come more competition, and with competition would come lower prices as everybody competed for our business. That's the theory. The problem with that theory is that the only way new investment is going to come in to create said competition is if the hydro rates are high enough that it will make the return on investment high enough to make it worthwhile to invest in the energy sector as opposed to somewhere else.

Now you might say that's just another theory arguing the original theory. Fair enough. Do we have any examples? Is there anywhere we can look around the world to see which theory seems to hold the greatest amount of water when it's put to the test of reality, where it really happens? Yes, we do. Alberta: the same thing happened. California: they went full-blown privatization is going to solve everything, with the investments and the competition and the lower rates. "Boy oh boy, we'll get out of this public bureaucracy and all this public debt that's been generated. We'll get away from all that and we'll go



to the purity of the marketplace. The market will take care of it."

California alone, without the rest of the United States, is within the top 10 economies of the world. They had brownouts and blackouts. By the way, it's interesting to note parenthetically that the people who faced the blackouts and the brownouts were the people who had the least amount of discretionary income. They took the private plan that was offered that cost the least, but in the small print it says that those who have these cheaper rates and cheaper premiums and cheaper plans, by the way, are the first ones who get blacked out and browned out. California started having massive brownouts, blackouts, rising prices, crisis, and in the heart of the US, the leading capitalist country in the world, they went into full-speed reverse and are doing everything they can to re-regulate, and, by the way, spending hundreds of millions of dollars of Californian tax money to do it. Sound familiar? We all know about Enron. And guess what, about Enron? They were one of the key consultants in putting together the Tory plan. Come on.

1630

The only way that major investors are going to put literally billions of dollars into Ontario's energy sector is if they're going to get a bigger return than they would somewhere else, and that means higher rates. Lower rates mean no investment; higher rates mean lots of investment. Higher rates mean the people lose, and let me remind the government: we are debating a time allocation motion that limits the right of the public to have a say about this plan, their emergency repair plan.

What else do we know about the markets to the south of us? Oh, it's coming out now. They manipulated the market, because do you know what else you need to think about when you consider energy in this province? If the demand goes high enough and/or the supply is not there, guess what happens in a supply-and-demand economy. The price goes up. There are major scandals happening all across the United States now where it's being found out how the private sector energy corporations manipulated the supply market so that there was less of it, because in a competitive market environment where there is demand but little supply, you have high prices. Suddenly, all these major power-generating plants had to go on prolonged maintenance programs, meaning they were shut down. Investments that were supposed to come didn't. You're not going to invest more money than you've originally invested to bring more power supply on-line, because the more the supply is provided, the more the price drops. If you're already in the energy sector, why would you do something that deliberately lowers the price? Come on. That's not the way business works.

All kinds of other manipulations went on that are very complex. And you know what? If we were talking about widgets, there would still be crime but it wouldn't be of the same severity, would it? Widgets, unlike power, don't run our hospitals or medical equipment in people's homes, or air conditioning for individuals who have dis-

eases and are sensitive to the heat. Widgets don't interfere with people's lives to the point where moms have to worry about where they're going to get the money to buy baby food.

All of this, supposedly, was done at the beginning because of all the debt that was generated in the past. And how does their repair plan get paid for? Borrowed money. The corporation that assumes the stranded debt of the old Ontario Hydro will now have its debt go up to pay for this. It's nuts. It truly is nuts. You don't solve everything by selling it.

Oh, but what was their latest response? "OK, we won't deregulate right away." That's still going to happen in 2006. We're back on track till 2006, where it's regulated, and of course that means capped. But the wholesale market itself hasn't changed. All those other factors are still out there applying themselves with the price going up and down. I wouldn't be the least bit surprised—and I use my parliamentary privilege here to say this—if down the road we find out there's manipulation going on. Oh, what a horrible thought. But I'll bet you it's there.

All these things are happening, but the taxpayer only has to pay 4.3 cents. Who's paying the difference? The taxpayer, through more debt: the very reason you said you were stepping into this quagmire in the first place. And you want people to believe that you've got this in hand?

Oh, yes, you've got to love this. You were going to sell the entire kit and caboodle. You were going to sell everything. Now we're down to 49%, like somehow 49% is going to give us all the capital we need to deal with some of these problems, which, by the way, it won't. They're going to be nice, quiet, silent partners; they're not going to do anything to interfere with the 51%. That would be us, the public. They wouldn't do anything to interfere with the 51%, so we're supposed to quietly go back to sleep and assume everything is just fine because we own 51%.

Don't be fooled. The 49% is going to go along with doing what's in the best interests of the public, the 51% up to the point that it costs them a dime. Once they start losing money on their investment, and we are talking big money, does nobody think that they are going to suddenly start putting some pressure on, through legitimate political means, to have those decisions changed or to not take those decisions? Come on. It's so transparent, it's insulting to suggest the people aren't going to understand exactly what this means.

The other thing about the 49%: it's bad enough that they insult us with this transparently phony plan—I agree with the member from Scarborough-Agincourt, Mr Phillips. I was here in 1999 when the government sold the 407. What did they do with that money? Did they take that long-term investment that was owned by the people of Ontario and take the money derived from that and put it into some other long-term benefit for the people of Ontario? That would be the logical thing to do, first of all, if you assume that selling it made any sense,

which it didn't. By the way, it has since been sold again, I think, for at least three times what that private entity paid for it. So how good a deal did we get in the first place?

Notwithstanding how bad a decision it was to sell the 407, you'd think they could have at least taken that money and said, "OK, we've got a big chunk of money here"—it was close to a couple of billion dollars—"and we're going to put it somewhere that's going to give different but equal benefit to the people of Ontario." No. Do you know what they did? They sold the 407, took the money, counted it as revenue for that one year and then used that money to pay for their promises to get re-elected. Think about it. That's like selling the family car to pay the gas bills. At the end of the year you may not owe anything on your gas credit card, but what's the point? You don't own a car any more, so what have you gained? You sold the 407, you took all that money and you used it as revenue, as if somebody said when they sold that car, "Oh, look at that. I'm making \$80,000 because we got \$15,000 for the car. And I only earn \$65,000 in salary; now I make \$80,000 a year." No, you don't. You still make \$65,000 a year but you don't have a car. That's exactly what happened here. They took that money and used it for the in-year revenue, used it to pay for their promises, and then called a snap election the day after—I believe it was the day after—they dropped the budget.

1640

Now here we are, on the brink of probably another provincial election next year—likely in the spring; could be in the fall. If we look at their last budget, we know that they have to find more than \$2 billion just to pay for what was in that budget. "Asset sales." We knew what it meant. So now you're going to take this 49%, which is still going to leave you a bit of a fiscal problem, but I guarantee you that the member for Scarborough-Agincourt is bang on when he predicts the government will take that money, use it as in-year revenue to inflate what the income of the government is, and that's how they'll pay for whatever election promises they're going to come up with. Probably more tax cuts, because most of their promises were more tax cuts. So a good chunk of the 407 was taken and converted into tax cuts for people who don't need tax cuts—certainly not as badly as our communities need schools, hospitals, sewers, child care and environmental law and protection.

I made a note earlier, and my friend from Brant commented on it too. I won't say which minister because that doesn't serve any real purpose, but a few days after the announcement by the Premier that the rates were going to be capped, during the bantering back and forth in this place, one of the prominent cabinet ministers said in response to a heckle, "Yeah, but my phone's stopped ringing." I sort of thought that said it all.

This is not about a long-term plan for the provision of power. This is to bail you out of one of the stupidest political scandals that any government ever arranged for

itself. And that's all it is: a band-aid to get you over the hump, past the next election. That's all.

Nobody's arguing the fact that power at cost, right now, is not reflected with 4.3 cents. We didn't argue it when we were government; neither did the other two parties when they were in government. We, collectively as a population, chose to let the debt rise rather than pass on those costs—and before we go on condemning all politicians of the past of all political stripes for doing that, let's keep in mind that one of the things that made this one of the most successful provinces in a successful nation was the provision of affordable, reliable power. And quite frankly there were politicians in the past that didn't want to go mucking up that formula by passing through all the costs. Did they do the right thing? We can stand here from this point in history and say no, but I wonder how quickly any of us would want to go around and kill the goose that was laying the golden egg, because in large part that's what Ontario Hydro did for us. Those auto plants: it's not a coincidence they didn't end up in the middle of the plains of Saskatchewan. We were very fortunate, and we are very fortunate, those of us who live in this part of this great country and this great province, because we're so close to the major American markets. Virtually all the communities of the members I see in here, all of us, have as part of our brochures and promotions for our local communities diagrams that show, within an hour's drive and within an hour's flight and within a two- or three-hour train ride, the markets you can reach from our particular locale. What a huge benefit.

The national railway: what a huge benefit. Being on the Great Lakes, linked through the St Lawrence Seaway out into the markets of the world: what a great advantage. When you take all that and a skilled workforce and our beloved universal health care system, which gives us a tremendous competitive advantage, and wrap it up, and as the bow provide reliable power at reasonable cost, you've got a winning formula.

For the entire duration of the last century, we and all the people we represent in this community benefited from power. So we went from power being one of the best competitive advantages we had—I'm talking about comparing us to other world locations. That's how lucky we were and are. We went from that kind of world to one where seniors were trying to decide whether to pay their hydro bill to keep the lights on or whether they should scrounge up enough dimes to go out and buy medicine. That was your answer to the problem: privatize it. Sell it off. Everything will work magically. The magic of the marketplace will take care of everything.

I want to remind anybody who's watching that this is the same government—this is important because we're coming up to an election—that prior to the last election rammed through changes to how political campaigns are financed, doubled the amount of money a corporation can give to a political party. Boy, what a coincidence. They doubled the amount of money corporations can give to a political party, and virtually everything they've done has



been to the benefit of corporations and the very wealthy. Hmm. How about that? What a coincidence, eh?

By the way, it's worth reminding the House that when those laws were unilaterally rammed through by the majority government, never in the history of Ontario had changes to the election laws been made without negotiation and ultimate agreement from all three parties. I was in those initial meetings, with the member for Windsor-St Clair, who is the current House leader of the official opposition, and I think it was Norm Sterling at the time who was the government House leader. No, actually we were dealing with Mr Hodgson, who was carrying that legislation. I think we had maybe two meetings, because the minister opened up our discussions by saying, "No matter what you two say and no matter what the tradition of this place has been, if we don't like the ultimate agreement, we're going to bring in legislation unilaterally and ram it through using our majority." That's a great way to foster an environment of negotiation and give-and-take. What a great way to maintain confidence that the electoral system doesn't benefit one political party over another.

This is the same government, the same crew that's now spending \$1.5 million to convince the people of Ontario that they are wonderful people for solving this horrible tragedy, the horrible tragedy you brought in against all evidence. It's not as if California happened after you changed things, or Alberta or the Enron scandals happened after. All those things happened well before you made your changes, and yet you went right ahead.

1650

I suspect, Speaker—again, twice today I'll use my parliamentary privilege. I'm going to say that I think they were so far down the road of making promises to their friends—because we're talking billions of dollars here; billions of dollars finds lots of friends—that they couldn't afford the politics of backing away. The people of Ontario couldn't afford for you to move forward but what carried was your politics, where you had obligations to people who have long memories and have enough money to have staff who will do nothing but remember those things. That's where these lobbyists come from. They get paid big money, for good reason: they deliver. And boy, did they deliver on this one, eh? And you know what? They're still winning.

One could almost argue the evil genius of all this is the fact that the wholesale price is still being paid. They're still making their profit; it's just not being reflected in the bill. The difference is being carried by going further into debt. So in the last three minutes of my comments, I point out that that's exactly where you began. The problem was we weren't reflecting the true cost because the debt kept rising, and that's exactly where we are today, exactly where we are. As we speak, local utilities are already implementing much of what you've got in here, and every day that we, as consumers, use energy that costs 4.3 cents to us, the real cost is being added to the debt. That's the boondoggle.

The government likes to say, "The NDP government, you guys, increased the debt by \$3 billion," but I would also remind the government that I believe it was in the last two years of our term we actually did pay down the debt. Overall, during the full term in government—I see one of the cabinet ministers look over at me like, "That can't be. You've got to be making it up." It's the same look I get when I say, "You know what? We would have balanced the budget before the Tories because we didn't have billions of dollars going out the window in tax cuts." It's true. They refuse to accept it. To this day, it still riles them.

*Interjections.*

**Mr Christopherson:** Look. Seven years, eight years later, they still go nuts at the idea, but it's true. It's true. So I grant you, the system hasn't worked well for a long time, and yes, it went up \$3 billion in our time, but we had a plan to start bringing it down. You know what? That's more than you're doing right now, because you don't have a plan. What you've got is a band-aid that allows whoever the government is in 2006, if they let this thing run its term, the right to find itself in exactly the same quagmire that you found yourself in and that previous governments before you did, because you have solved nothing. You've hurt people, which you've done in other legislation.

Again, the same minister looks at me like, "How can he say those things?" Go talk to environmentalists, Minister, and ask any one of them if there's anything you've done that's helped the environment. Go talk to any worker representative in the province and ask them if you've passed any legislation that actually helped anybody. Go talk to any municipal councillor who didn't drink the Kool-Aid and ask whether there's anything you've done that's helped municipalities and councils. And we can say the same thing about health care and education and child care and virtually every other area—public transportation, you name it—except the area of taking care of rich, especially corporate, friends. On that one, you win everything hands down, gold medal. Absolutely. Nobody took care of rich people like you took care of rich people. And for the longest time, Speaker, they had the public convinced that they weren't doing that. That day is rapidly coming to a close as people take a look around and say, "I know the wealthy are better off. Am I? Is my community better off?" And the answer is no.

**Hon Doug Galt (Minister without Portfolio):** It's interesting. I sat here for the last three quarters of an hour and heard a speech that I've heard probably 70, 80, maybe 90 times so far in the last seven years. Not even the players are being changed. He just rants and rages and carries on, talks about how the rich, the wealthy, are the only ones who have had any improvement since we took office.

Mr Speaker, I want to remind you, and I'm sure you remember, of the 1.008 million net new jobs in the province of Ontario since we took office. Some 1.008 million people came home and said, "Guess what? I just

got the job." How many jobs, in the first half of the decade in the 1990s, did your government create? I believe the record shows minus, net, 20,000. That's what you were doing for the people of Ontario: a tremendous number of people who have been unemployed in this province, caused mostly because of the NDP government and what they did. Now we have 1.008 million who are out there working.

*Interjection.*

**Hon Mr Galt:** Yeah, yeah. I hear the member for Kingston and the Islands talking about hydro. At least there are 1.008 million people who have a salary coming in that your government didn't help in the late 1980s either when you doubled spending and tripled welfare rates. No wonder—

**Mr Gerretsen:** I thought we did a great job.

**Hon Mr Galt:** I know you thought you just did a marvellous job, but I'm sitting here listening this afternoon and I've yet to hear any solutions. I understand why the Liberal Party would have no solution, because a week ago Monday their Web site on electricity was blank. It was blank, I guess like most of their minds. There was nothing there. But once it was brought up in the Legislature, instantly they threw something on for the next day. That's how much consultation they went through; that's how much thought they put into it. I guess the wind vane swung around, aimed at a few policy issues, and they put it on the Web site. I can understand why they would come through just like that.

At least when I look to the NDP, they have been on track. They've maintained the status quo of direction. They've kept rolling. They even had a bus, speaking of rolling, on the issue of electricity. I do have to recognize that at least they have been consistent in their direction.

I have no idea where the Liberals are going to go next. I guess if you've checked with them in the last five minutes, you may know what their policy is on electricity or anything else, but if you wait another five minutes, I'm very, very sure they will have changed.

I heard a lot of ranting and raging, particularly from the member for Hamilton West but also from the Liberal speakers, about consultation. If you look at the record of what has been going on in the last seven years, there's been more time spent in committee, on the road, than by any other government since way back to 1985, more time spent on bills here in the Legislature than any other government has spent. I think that's the kind of record that speaks for itself. You can get up and rant and rage, but the real numbers, the real facts, are what come through.

1700

When they talk about time allocation motions, they are there because of the opposition blocking every move the government tries to make. Maybe with just a little more co-operation when we come forward with bills that they totally agree with, we could—

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I don't believe we have a quorum present in the House to hear these enlightening words.

**The Deputy Speaker:** Would you like me to check and see?

**Mr Duncan:** Yes.

**The Deputy Speaker:** Would you check and see if there is a quorum.

**Deputy Clerk (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Deputy Clerk:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the member for Northumberland.

**Hon Mr Galt:** I appreciate the concern that some of the Liberal members had about a quorum being present. It's unfortunate that as soon as they called quorum, they ran out of the Legislature, but I appreciate them now returning to listen to the important words that we'll be sharing.

There's just one other comment that I wanted to share with both of the opposition parties, and that has to do with committees on the road. Just check with other Legislatures in Canada, check with the federal government, and see how many of those governments take committees on the road. I think you'll be very surprised to find out that it is almost negligible, certainly in other provinces. On rare occasions the federal government does—on rare occasions, I believe. Other provinces think we are rather silly to go out on the road. Check with other states and I think you will find a tremendous record on the part of our government.

This afternoon we are indeed debating a time allocation motion, a motion that we shouldn't have to put on this bill, Bill 210, but do because of the opposition blocking. It is obviously necessary to get on with this bill so that the people in Ontario can receive their rebates and can receive adjustments on their bill. People across Ontario are demanding immediate action from the members of this House. They want help quickly to lower their hydro bills. They want our help to conserve energy.

Our government believes that Bill 210 is in the best interests of the people of this province. Many of the members opposite clearly share this view, although, typical of partisan positions, they don't want to admit it. The Liberals support the cap on electricity as well as many other elements of our government's action plan. They know it's the right thing to do, yet we continue to debate this proposed legislation. For this reason, I'm speaking today in favour of the motion that would allow this important piece of legislation to be passed. I urge all members of this House to do the right thing and vote in favour of this motion.

Our government recognizes that rapidly rising hydro bills are indeed unacceptable. We listened to the people of Ontario and we agree with them that electricity is a necessity of life. As the Premier has said, there are many things in this life that you can do without, but electricity is not one of them.

So we took action. We introduced legislation and a comprehensive plan to lower the cost of electricity in Ontario and to ensure its long-term supply. As part of this



policy package, we are taking immediate steps to lower the hydro bills of families, small businesses and farms across the province. We are taking action to increase the long-term supply of electricity in Ontario. We're putting forward measures to promote green energy, alternative fuels and conservation. Effective December 1, the legislation that we have introduced, together with the associated regulations, would lower the price consumers pay for power to a constant 4.3 cents per kilowatt hour. This would end the price hikes of recent months.

The issue is not only that hydro prices have been too high. We've also heard from families, farmers and businesses right across this great province that they cannot tolerate the fluctuations in the rates that we've seen in recent months. We agree that rate volatility makes planning and budgeting difficult for everyone. That's why our plan, as well as lowering the price for power, would freeze the price at 4.3 cents per kilowatt hour until at least 2006, our goal being to introduce stability to hydro pricing in the province of Ontario.

That's not all. As well as lowering power rates and freezing them until 2006, we propose to refund the difference between the new 4.3-cent price and what consumers have actually paid for power since May 1, 2002. Consumers will get the refund whether they've been buying electricity from local distribution companies or whether they have entered into a contract with an electricity retailer. Under the provisions of the proposed legislation, an initial \$75 refund cheque would be mailed to consumers as soon as possible, in most cases by the end of December. If a consumer were owed more than \$75 in refunds, the balance would be credited to future bills.

Customers of some utilities such as Toronto Hydro have seen no change in the price they paid for power since May 1. That's because while these consumers were paying a fixed price of 4.3 cents, the utilities were paying the actual price of power on their behalf. These customers have what are called variance accounts, the balances of which show the difference between what they paid for electricity and what they actually owe. These customers would not be receiving a cheque under the proposed legislation, but any variance account balances owing would be paid off. Customers with equal-billing-plan accounts would receive their refunds as credits on future bills.

The legislation also provides that until March 31 of next year, no one in the province of Ontario could have their power cut off because of failure to pay their hydro bill. This provision would be retroactive to November 11, 2002.

The cost of power generation is just part of the total cost of hydro to consumers. They also pay for delivery. The legislation we introduced would enable us to cap the price consumers pay for delivery.

The GST also contributes to what consumers pay for power. We believe it is outrageous that the federal government continues to charge GST on electricity bills, because electricity is a necessity of life. However, typical

of Liberals, there has never been a tax they didn't like. As part of our action plan, we continue to demand that the federal government not tax electricity in this manner. Ontario doesn't charge sales tax on electricity and neither should the federal government.

The pricing of electricity is complicated. It is sometimes difficult to know exactly what we're paying for. We are proposing to bring forward a newly designed standard province-wide hydro bill that is easy for consumers to read and understand.

Finally, we are launching an independent review of how charges on electricity bills are calculated. We want to make sure those charges are reasonable. The review will include charges imposed by the Independent Electricity Market Operator, which we would freeze, and a fixed monthly customer charge imposed by local electricity companies.

That is what we are proposing to do to bring relief to families, farmers and small businesses suffering from rising and fluctuating hydro bills. What's more, the measures we're taking to lower hydro bills will continue until there is enough energy supply to meet Ontario's long-term needs at reasonable prices.

**Mr Gerretsen:** You used to be a lot better extemporaneously.

**Hon Mr Galt:** I was extemporaneous for a while, but you seemed to object to it, so I'll stick to my notes so you don't call for a quorum and you can listen to the good message.

We recognize that the needs and concerns of large commercial and industrial power users are different from ordinary consumers. For one thing, their electricity costs, unlike those of individuals, are tax deductible. We will soon be entering into consultations with large commercial and industrial users about pricing arrangements for power.

Looking to the future, our government remains committed to the principles of an open market. We remain committed to the notion that the private sector has a vital role to play in Ontario's power industry. We saw what happened under the old Ontario Hydro regime: a \$38 billion deficit in spite of the fact the NDP claimed they paid off some. After you raised it something like \$16 billion to \$20 billion and then paid down a couple of million, its net went up tremendously.

**1710**

Our action plan leaves the wholesale market in place. Retail contracts are continued, and we remain committed to paying down the multi-billion dollar debt run up by the old Ontario Hydro. And you're absolutely right, I did say "deficit" earlier. It's debt—a \$38-billion debt—just to clarify and make the member from Kingston and the Islands comfortable.

When we decided to restructure the old Ontario Hydro, one of our goals was to encourage new investment in electricity generation in Ontario. I'm happy to report that the goal is being met. Investments have been made by private sector operators in a variety of types of generation systems. Among the most significant new pro-

jects are the refurbishment of two nuclear generators by Bruce Power at Kincardine, TransAlta's natural-gas-fired operation at Sarnia, which is expected to come on line early in the new year, and ATCO and OPG's natural gas facility at Brighton Beach, which will come on line in 2004.

In addition to these major projects, a number of smaller generators, using wind power, water power and landfill gas, are also nearing completion, under construction or well along in the approval process. This is a direct result of opening up the market to competition, and also because of the select committee on alternative fuels that Mr Gilchrist spoke on a few minutes ago, the new commissioner for alternate fuels. Certainly as chair of that committee, it's a thrill for me to see the government moving ahead on green power, something that neither of the previous parties, when in government, gave any opportunity for, for wind turbines or solar power or any of these green activities.

I can assure members that Ontario continues to be an attractive location for competitive generation. When we undertook to open Ontario's electricity market to competition, we also made a commitment to decontrol Ontario Power Generation. The rationale was that you couldn't have competition when one player controlled such a large part of the market. Ontario Power Generation has made significant progress in reducing its market share through the lease of the Bruce nuclear generating station and the sale of the Mississagi River hydroelectric station.

But decontrol never meant a fire sale of OPG assets. From the beginning we made it clear that these are important public assets and that private-public partnership arrangements must be in the best interests of Ontario taxpayers and electricity consumers. These interests include ensuring not only maximum value but also environmental concerns. For example, the proposed sale of OPG's Atikokan and Thunder Bay plants was rejected because it did not meet our standard for ensuring maximum value.

The best interests of Ontario taxpayers and electricity users include ensuring an adequate long-term supply of electricity in Ontario at reasonable prices. To that end, over the next three years, OPG's focus will be on increasing supply, on building generating capacity. The first of the four units at Pickering A is expected to come on line in the second quarter of 2003. We have also directed Ontario Power Generation to proceed with the Beck tunnel project.

To sum up, with both Ontario Power Generation and a range of private sector players, the wholesale market for power in Ontario is open for business. We believe that in the long run an open competitive market for power generation will lead to increased investment, more capacity and lower prices.

As well as lowering hydro bills and encouraging new supply, we are taking action to promote green energy and conservation. We recognize that efforts to increase electricity supply must respect our obligations to the environment, sustainability, and future generations.

The proposed legislation would provide for a range of tax incentives to promote conservation and stimulate new investment in electricity from alternative fuels and renewable energy sources.

The proposed legislation also gives the Minister of Energy and the Ontario Energy Board powers to promote energy conservation and efficiency. We propose to bring forward other measures that encourage customers to conserve energy and to use it more efficiently.

The actions we are proposing will enhance the efficiency of the energy sector, keep in place the incentives for the wholesale market to increase supply, and protect the consumer. They would lead to lower hydro costs, both now and in the future. We are taking these actions because electricity is not like other commodities; it is a basic need like health care.

For these reasons, I'm speaking today in favour of the motion that would allow this important piece of legislation to be passed. I urge all members of the House to do the right thing and vote in favour of this bill, Bill 210.

**Mr Gerretsen:** First of all, I would like to start off by complimenting the member from Hamilton West. I think he gave an excellent speech here today on this issue, both from the closure point of view and also from the viewpoint of the content of the bill. The unfortunate part, of course, is the fact that the way the rules are set up in this House now, the NDP gets to speak about four or five times longer than each Liberal member on a particular issue, which is regrettable because it somehow doesn't speak to the equality in the House of the individual members.

First of all, we're dealing again with a time allocation motion. I don't want to dwell on it at great length but I do want to say that even the time allocation motions, the closure motions, are in my opinion getting to be more and more restrictive. At one time we used to have a motion, for example, that a bill be given second reading after a particular stage in the debate. Then it would go to committee for a while, it would come back, and there would be an hour or two or a day's debate on third reading. Now that's not even happening any more. If you look at the motion today, it basically says that once the motion is passed—which will be at 10 to 6 today, because of the government's majority—then the next time it's called, it has to be voted on immediately for second reading. It doesn't go to committee and it will be given third reading right away.

It seems to me that this is a complete attack on the democratic principles and the parliamentary rules that have been a tradition within the Westminster model. Now we don't just have closure on an item any more but we cut off all possible debate, we cut off all possible committee time that is required with a major bill like this.

I could go through all the statistics about how closure was hardly ever used up until the mid-1980s and how it's become more and more a custom of this House. I won't be doing that today, you'll be glad to know. I will not be doing that, other than to say that closure has now been used 88.8% of the time in this House, with this govern-



ment, which I think isn't right, to say the least. It just isn't right.

However, dealing with the substance of the bill, there are so many things one could talk about. The one that really gets me probably more than any other is that it is quite clear, from everything that has happened on the electricity issue and anything relating to electricity within the last year, the government has completely changed its mind. Whereas at one time it was in favour of an open, free market as far as the consumption and generation side are concerned, it no longer believes in an open market as far as the rates people are going to be charged are concerned. It has decided it is going to charge people 4.3 cents per kilowatt hour for the next four years, and that's it. So there is no longer an open market. For anybody to suggest that somehow there still is an open market is just plain incorrect. It's not right. It's not accurate.

The government somehow likes to weasel out of that situation by saying, "Well, it's the Liberals' fault," or "It's somebody else's fault." The point is, they've totally changed their mind on it. At least have the honesty of your convictions and say, "Yes, we tried the open market and the rates went up too high. We didn't want to saddle the people of Ontario with the tremendous rates out there so we decided to take this course of action."

At least I would have some intellectual respect for you and say, "OK, I think you're doing the right thing." I do believe you're doing the right thing. I totally believe there are certain public services that the people of this province should be able to rely on, in the highly developed country and the highly developed province that we're in. I think water should be a public utility and there should be no private involvement. I think electricity should be a public utility and there should be no private involvement. I think public education should be there for all to enjoy so that we can have that equal opportunity in life. I think the same thing about health care. That's why I totally applaud the Romanow report and what it stands for—totally and completely. I can tell you that right now, because I believe in good public health care and that it be accessible to everyone.

1720

Let there be no question about that: you guys have changed your minds, and you're entitled to change your minds. I would hope that in a parliamentary system somebody changes their mind at some point in time about something, or else what the heck are we doing here? You've changed your minds. We're now on to something totally different, and that's the point of it.

There was a point made earlier today with which I totally agree as well, and that is that one of the reasons we enjoy such a good economy in Ontario and why we are the leaders in many respects has been the fact that over the last 100 years there has been cheap electric power available. It hasn't been at cost, but we have used the electricity rates in Ontario as an economic development tool in order to get industry to locate in this province, which we all want. We all want the jobs that are associated with industry. So this whole notion that some-

how the stranded debt that Ontario Hydro has or its successor companies have is entirely due to mismanagement and everything else that is associated with it is totally incorrect. It has an awful lot to do with the economic policies that governments of all different stripes have had over the last 100 years in this province. That's the long and the short of it.

Could there be better management? Has there been some mismanagement? Absolutely. The Provincial Auditor in his report today certainly points to a number of different areas where this government during the past two to three years has totally mismanaged the electricity file. I just want to read some of that because it ties directly into what they're trying to accomplish in this bill.

I assume that one of the reasons the government was in favour of opening the market and privatizing a very significant portion of it was to get rid of the debt. We always heard it. It was to get rid of the stranded debt that's there. Well, what's actually happening is that by guaranteeing the rate to individuals at 4.3 cents per kilowatt hour for the next four years, you're going to add to that debt. If we have to buy power or produce power at more than 4.3 cents per kilowatt hour, whether it's done privately or through Ontario Power Generation, who is going to pay for the difference? The difference is going to be added to the debt. That's the reality of the situation. So it could very well be that at the end of four years, the debt is not where it is right now but it will be more, by whatever the difference is between 4.3 cents per kilowatt hour and whatever we produce it for or buy it for.

What the auditor talks about is how this government over the last two or three years has allowed the deficit situation and the total debt of Ontario Hydro to increase by something like \$341 million. Let me just read you what he says. He says, "In my view, as of March 31, 2002, there is an increasing risk that part or all of the stranded debt will not be recoverable from the ratepayers"—the people who pay for the electricity—"and will therefore become a liability of the taxpayers."

You could argue that in many cases they're the same people, and in a lot of cases they are, but not entirely. He goes on to say, "My view is based on the following observations:

"The financial performance of Hydro's successor companies for the fiscal year ended March 31, 2002 was well below expectations. The government expected its two wholly owned Hydro successor companies—Ontario Power Generation Inc and Hydro One Inc—to earn \$524 million"—that's what they thought they were going to earn—"during that fiscal year; instead, the two corporations jointly earned only \$179 million, a shortfall of \$345 million."

He goes on to say, "Accordingly, none of the \$179 million in earnings is available to reduce the stranded debt, and as a result \$341 million was absorbed by Ontario's taxpayers," as an increase in the debt.

That leads me to one other thing. I may not be all that popular, but I personally—I'm not speaking for my party now—don't agree with the \$75 rebate to individuals. I

think individuals should be protected, but wouldn't it make a heck of a lot more sense if we would take that \$75 off the individual's next hydro bill—

**Interjection:** Credit.

**Mr Gerretsen:**—as a credit? You're already doing that after January 1. We're trying to somehow buy people off just before Christmas, and there may be people out there who need it. But the one way in which we could guarantee that as a result of people not getting the \$75 they're not going to be inconvenienced, we could for example say in the legislation—and it may very well be there—that nobody's power can be cut off. You reach exactly the same conclusion, but you don't get involved in this silly nonsense of sending \$75 back to people and then somehow getting it back from them again after January 1. It reminds me a little bit about the \$200 cheques, you may recall. We got them just before the last election, which may have had something to do with the government winning re-election in 1999.

Do we really play people to be that stupid, that somehow we're trying to send them \$75, but for the rest of it we're saying, "Well, we'll take it off your next bill"? Why can't we take that off their next bill right now and make provisions for those people who are in really dire financial straits, by guaranteeing that their power is not going to be cut off?

My time is almost up. Unfortunately, there are so many more things that one could say about this. All I can tell you is that whatever mess and whatever anxiety people have had about their hydro bills over the last three to four months, there's only one cause of that: the government of the day simply didn't know what the heck they were doing. It has nothing to do with the NDP policy; it has got nothing to do with the Liberal policy. They're the guys in charge. They bungled it. They didn't know what they were doing, and they've got to pay the price for it. And the price we're all going to pay as a result of their tremendous bungling of this whole situation is that the stranded debt of Ontario Hydro is going to go up even further.

**Mr John O'Toole (Durham):** I'm very pleased to have an opportunity to speak on Bill 210. That's really the issue we're discussing here. The opposition obviously have talked about a number of other things, as they usually do.

I listened earlier today to the member from Scarborough East and his comments. He's obviously been named to head a concerted effort on the part of the government to lead, really, the discussion on conservation. Conservation is a very important part of this Bill 210, as well as a number of other amendments.

I think for those viewing and for the record, I want to put on the record a couple of things, starting with a brief history of how long this has been an issue.

I heard the member for Hamilton West, Mr Christopherson, earlier today speaking about the economic model of supply, the generation of electricity, and demand, the consumer's part of the equation. There has to be some kind of balance there. If there's a shortage of

supply, ie, gaming the market, then obviously the price goes up. He should be familiar with a report that was issued just recently here. This report I'm referring to is the Market Surveillance Panel Monitoring Report on the IMO-Administered Electricity Markets for the First Four Months, May to August 2002. It's dated October 7, 2002. It's a very worthwhile reference point for explaining some of the causes—I believe independently these people are trying to assess, audit and determine if in fact, as was suggested, that there was market manipulation—were indeed in place. In fact, the report clearly states that was not the cause. If there's enough time here, I'll certainly help the viewer understand what were some of the constraints in the system itself, beyond purely the demand side—that is, temperatures being up and us having to use more electricity to run our air conditioners.

**1730**

I think if I want to go back to broader implications, we can go further back. Mr Christopherson talked about the marketplace as if he actually agreed with it. But if you go back far enough, you'll find that in 1993 the NDP froze the rates. If you go back far enough, you'll find that Sir Adam Beck's original concept was, and it's a well-known phrase, "power at cost."

So then it comes to, what is the cost? That is a fair question. Certainly my consumers in the riding of Durham want to know what the costs are. Well, the costs are a function of how efficient the organization is, how effectively they operate their various reactors or water turbines or turbines using fossil fuel, and how much competition they have.

It's my understanding that, under the Power Corporation Act, smaller companies and indeed large companies were not allowed to cogenerate. Inco Steel in Whitby wasn't allowed to use the huge thermal current going up their chimney to turn a turbine to create electrons to light the lights. That wasn't allowed. In other words, it was a monopoly. The monopoly was the old Ontario Hydro.

Did they provide power at cost? Well, in anybody's accounting reference, you'll find out that they had accumulated \$38 billion in debt. Obviously, they weren't selling power at cost. They were actually doing what the NDP did: throwing it into the debt bucket and not dealing with the issue.

What did this government do? When first elected, they commissioned the Macdonald commission. As many people would know, Donald Macdonald was Trudeau's finance minister—and I don't want to cast aspersions, but he did a definitive amount of work on free trade, which is really something the Liberals have waffled on all their life. I really think that report indicated that the current model of Ontario Hydro wasn't sustainable.

There are really three parts. There's the generation part, the transmission part, which is the big lines, and the distribution part, which is generally the local lines—and part of it was Ontario Hydro, mostly in the rural parts of Ontario.

What they recommended was trying to find some relationship between the debt and all the assets. So they



set up a market design committee and determined what the debt equity was for the generator, the transmission and the distributor. In fact, at the end of it, they determined that the amount of assets would not support the amount of debt. By anybody's measure, that is a definition of being bankrupt. But because it's a public corporation, they just keep going to the taxpayer, to the government. Indeed, the member from Kingston and the Islands admitted it. He said there was mismanagement. Indeed there was, by all governments of all stripes. But this government had the courage to actually study the issue with the Macdonald commission.

I was fortunate to be involved in an all-party committee. Mr Galt and a few others were involved in it. I think Howard Hampton was on it for the NDP. That committee was the select committee on nuclear affairs, I guess. They considered a report, a proposal, which was called, *How Do We Bring Our Nuclear Plants Up to Optimum Operating Capacity?* Let it be stated, first of all, that there's an acronym for that report. It was called the NAOP, the nuclear asset optimization plan. In that plan, what they found is that if you went to the fundamentals, if you compared the Candu reactor—a very robust nuclear reactor compared to other forms of nuclear reactors—they're quite robust, but they didn't run very well. In fact, they were down 60% of the time.

In fact, the big controversy right now with the Pickering A station—I live in Durham. That Pickering A station has been a problem for 15 years or more. They retubed that plant under the Liberal government in 1988 at a considerable amount of expense. Some would say the job was poorly managed then. In fact, it's my understanding that the reason it's being retubed now is because there was a problem after it was done in 1988. Anybody who works there, and many of them are my constituents, tells me that the job was done poorly then.

If you look at the operating reports for the nuclear plants, you'll find that in fact they haven't operated at capacity anything over the 70% until recently.

The point I wanted to make is that one of the important parts of the supply-demand problem is making sure we don't reduce what they call "built supply," or existing inventory of supply. One of the problems that was clearly in this report I referred to earlier—indicated the fundamental causes why there was a shortage of supply and how long that shortage of supply has existed. You should know, and we should all know, that the majority of our peak power has been provided from the United States for the last number of years. This is not something new with the market opening. It is not anything to do with the market opening. But I would also say that the peak load has in fact shifted from what used to be purely a winter peak load to a summer peak load because of air conditioning. So the balancing of the system's full capacity at peak demand is a significant problem because the increased consumption—I guess some would equate that to being our standard of living, more air conditioners etc—is going to cause the demand for energy to increase. So we have to increase the supply of electricity. Mr

Gilchrist is leading a number of initiatives, basically around the framework of building more generation, but more specifically looking at conservation and also looking at new forms of green energy.

Another very technical area, and I don't have enough time because of the limited time I was allowed to speak, is the transmission congestion. That's something not well understood, but in fact the generating capacity in certain areas of the province can be stranded by the incapacity of the transmission system itself. It is referred to as constraints within the system. So to get the power that's needed in a certain part of the province, you can't get it from a water dam in northern Ontario. You may indeed have to import it from the southern United States. In fact, most of our peak load for the last number of years during hot periods and very cold periods has indeed saved our ass by bringing it in from other jurisdictions. Well, I'm not sure that's appropriate. I withdraw that "ass" part, but I'll say they saved our bacon, so to speak.

I do think it's important to put on the record that the current challenge of both the Bruce and Pickering nuclear plants needs to be solved. When you look at our overall base load and where it comes from, you'll see more clearly the issue that I speak of. I want to put that on the record. That's why I'm going quickly here. Our base load is basically made up of nuclear, which is about 32%; coal, about 27%; oil and gas, about 13%; hydroelectric is about 27%—that's from the water dams—and miscellaneous about 0.28%. Clearly we have to increase the generation. In fact, when the nuclear equation happened, with Bruce being partially available and being an unplanned outage and Pickering not being up, obviously we had a supply generating problem. Now, was that real or was that manipulated, or as someone would say, gaming the market? There are other people looking at that, but it certainly is a question we should all be interested in.

Our demand, looking forward, is going to increase from 27,000 megawatts of power to 37,000, and I can show you there is a considerable amount of work by Mr Gilchrist and others to increase that 10,000 additional megawatts by a number of projects that are either on paper or in the ground. I'm confident that we've identified the problem, but more importantly we've put consumers first. They have confidence in stability of price at 4.3 cents per kilowatt. This government is the government to go forward and address the deficiencies of the last decade. I say all three governments have had a part in that. It's this government that's made a difference by taking action. This bill will address that.

**Mr Mike Colle (Eglinton-Lawrence):** It's a great opportunity to rise in the House and speak to Bill 210 about a very critical and important subject to all Ontarians, and that is the price of electricity and the price of their hydro bill. As you know, it certainly has been on everybody's mind over the last—I guess it's almost been a year now that it's been non-stop. Really, through all this, one of the things that is very apparent is that when I talk to people at the grocery store, the thing they keep asking me is, "What is the government going to do

next?" "Frankly," I tell them, "I don't know what they are going to do next."

They ask me whether the freeze is a good thing. They ask me, "Do we have enough power if the weather gets cold, or if it gets hot again?" "Frankly," I tell them again, "I don't think the government knows whether we are going to have enough power." I don't think the government knows what is really going to happen to the generation of power, nor to the price of their bills. Certainly there is a cap here, but a lot of people are saying, "Oh yes, after the election the cap will be gone or they'll have some other loophole to get at us again." They've just lost total faith in reality, I think, a pillar of Ontario, and that is Ontario Hydro. People thought this was one of the real hallmarks of this province, our hydro, that we could depend on power and depend on it being there for us. But I think what's happened over the machinations of the last year is that people have lost faith in hydro and the government's ability to manage it.

1740

The thing that really struck me was that earlier on we had a court ruling that the government of Ontario had no right to sell Hydro One. We were all told that we're lawmakers in this Legislature, yet this government said, "We don't care what the court said. We're going to pass a law to overrule the courts." And they did that. They're still asking all other Ontarians to obey the courts, to obey judges. This government says, "We don't care what the judges said. We make up our own laws and we don't like that law, so we're going to go ahead, overrule the court, and sell Hydro One."

Today in the House the MPP for Scarborough-Agincourt asked the Minister of Finance again whether they were hell-bent on selling off the other 49% of Hydro One, and the minister indicated that they were proceeding to do that. That is most disturbing in light of the fact that the government really doesn't have a game plan in terms of what they're doing with hydro, yet they're still going to sell off the other 49% of Hydro One. It's especially galling to the people of Ontario that they're proceeding to do this when they've seen the fiasco created by these same ministers, Premier Eves included, when they basically gave away a public asset called Highway 407.

They gave it away to some Spanish-Quebec consortium. Through these years, the value of that 407 highway has almost quadrupled. But that increased value doesn't go back to the Ontario taxpayer; it goes to this offshore Spanish consortium with SNC-Lavalin in Quebec. And then to add more venom to people's kitchen table, if you ever talk to people who ride the 407, they pay the highest toll rates in North America when they ride this highway that they built with their tax dollars. In the history of what happened to 407 and the gouging of the public that continues in southern Ontario, they are now going to proceed, and it's basically the same characters on the government side. They have already set up the fire sale for 49% of Hydro One. If you think the people of Ontario have any kind of confidence that this government is doing the right thing in selling off the rest of Hydro One,

I tell you it's clear—I'm sure in all our ridings, if you did a poll and asked the people in your riding whether they think that Premier Eves should continue on his plan to sell off the rest of Hydro One, they would tell you no. Is there anybody out there who thinks we should sell off, especially in this time of uncertainty when we don't even know whether we're going to have enough power at times, whether we should proceed with the fire sale of Hydro One?

This government doesn't listen to anybody. They proceed to do whatever they think is best, for whom I don't know, but they're hell-bent on selling off Hydro One, no matter what the court said. Never mind what the opposition says and never mind what their constituents are saying. The constituents on both sides of the House are saying, "Don't sell off the other 49%." They're still going to sell it. They're not listening to their constituents or the courts.

In this legislation there is more uncertainty because there are so many giant questions left unanswered. The future of generation: what's happening at Pickering? What's happening at Bruce? There's British Energy, near bankruptcy, having to be bailed out. There are so many huge, unanswered, troubling questions. It's like a black cloud over the province of Ontario because this government, as usual, is so reckless. They don't listen to people. They make decisions in some kind of convoluted way.

It's the unnamed, faceless backroom consultants. That's what they probably did. We know they were paying consultants. The Provincial Auditor said today that they were paying some consultants \$2,800 a day. I wonder how many consultants they brought in on this hydro mess and what they paid them. Maybe you should ask those consultants on the hydro mess to give us their money back. They certainly didn't give them the right information, because they had to redo things. Is this the fourth, fifth or sixth hydro bill we've had before us? You lose count.

I wonder how many thousands of dollars a day the hydro consultants got paid when they advised the energy minister, the Premier and the finance minister. It must have been a consultants' holiday around here at Queen's Park. Every consultant probably looks down at Queen's Park and says, "Hey, there's my pension plan." Every time they see Ernie Eves, the consultants smile. "Boy, what kind of contract am I going to get today?" That's who is making the decision on Hydro One or on these bills. It's not the legislators, the lawmakers. I'm sure it's these highly paid Tory consultants who get these blank cheques to live off the government trough. You can't ask them questions. They're nameless, faceless people. Thank God we've got a Provincial Auditor who at least has the independence to challenge the hiring of all these consultants.

As you know, we had this fiasco with Andersen Consulting spending hundreds of millions of dollars with the minister of community and social services. Now they've changed their name to some other name. I don't know what it is. They're still ripping off the taxpayer; Ander-



sen is ripping off another \$300 million from the taxpayers. These are the people making up our policies that we're supposed to try and somehow explain to our constituents. They hired some guy to come in here the other day. He's going to write the hydro bill. They're paying another guy, Sal Badali, a consultant from Deloitte and Touche or wherever he's from. He's coming in.

I don't know what the energy minister is doing for his salary. Let the energy minister, who couldn't even understand the hydro bill and has probably never paid a hydro bill in his life, write the hydro bill. They've got to bring in somebody from Bay Street to write a hydro bill so that people in small-town Ontario who will have to read this thing, or people in my neighbourhood who will have to try and read a consultant's makeup of a hydro bill—this is how the government works. If they've got a problem, hire 10 consultants. Pay them 2,000 or 3,000 bucks a day. Whatever they ask for, these consultants get. It would be interesting to know how many hundreds of millions of dollars this government has paid on consultants.

**Mr Gilchrist:** You guys spent it on researchers.

**Mr Colle:** I saw the member for Scarborough East today. He's supporting the consultants because they're his friends. He says, "How dare you attack consultants?" They're the friends of the government. The consultants are untouchable. "The Provincial Auditor is wrong," you heard them say today—Minister Tsubouchi over there. The Provincial Auditor is wrong. They're right. The consultants know all. They know best, and that's how this government makes its policies. It's not by listening to people or to the courts. It listens to these hired guns, these consultants who get paid—what did the auditor say?—\$2,800 a day.

What does that consultant do for \$2,800 a day? They will never tell us who the consultants were on the hydro mess. They will never tell us how many hundreds of thousands of taxpayers' dollars they gave to these consultants whom they refuse to name. They're still the mystery consultants who should give their money back for the mess they've created in this province.

This is hydro by consultants. It's hydro policy by \$2,000- and \$3,000-a-day consultants. That's not the way to write legislation

**The Deputy Speaker:** The time for debate has ended.

Mr Stockwell has moved government notice of motion number 81. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1750 to 1800.*

**The Deputy Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted  
Baird, John R.  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Coburn, Brian  
Cunningham, Dianne  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.

Hardeman, Ernie  
Hastings, John  
Hodgson, Chris  
Jackson, Cameron  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Mushinski, Marilyn

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Wood, Bob  
Young, David

**The Deputy Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Brown, Michael A.  
Caplan, David  
Christopherson, David  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph  
Crozier, Bruce

Curling, Alvin  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony

McGuinty, Dalton  
McLeod, Lyn  
McMeekin, Ted  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 44; the nays are 38.

**The Deputy Speaker:** I declare the motion carried.

It being past 6 o'clock, this House stands adjourned until 6:45.

*The House adjourned at 1803.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman  
Speaker / Président: Hon / L'hon Gary Carr  
Clerk / Greffier: Claude L. DesRosiers  
Deputy Clerk / sous-greffière: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Ancaster-Dundas-Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)		Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands / Kingston et les îles	
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Davenport	Ruprecht, Tony (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley East / -Est	Caplan, David (L)		Beaubien, Marcel (PC)
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Durham	O'Toole, John R. (PC)		
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Elgin-Middlesex-London	Peters, Steve (L)		Wood, Bob (PC)
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Essex	Crozier, Bruce (L)	London-Fanshawe	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Markham	Sampson, Rob (PC)
	Hastings, John (PC)	Mississauga Centre / -Centre	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
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Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)		
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Haldimand-Norfolk-Brant			



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	McDonald, AL (PC)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
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Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
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		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 3 December 2002

Mardi 3 décembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS), 2002

### LOI DE 2002 SUR L'OBLIGATION DE RENDRE COMPTE DES DÉPENSES (MINISTRES ET CHEFS D'UN PARTI DE L'OPPOSITION)

Mr Wilson, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / *Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.*

**Mrs Julia Munro (York North):** On a point of order, Mr Speaker: I seek unanimous consent that we go in rotation this evening.

*Interjections.*

**Mrs Munro:** Twenty minutes each.

**The Acting Speaker (Mr Michael A. Brown):** How be you read it again, so I know what you're—

**Mrs Munro:** Give me one second.

**The Acting Speaker:** The minister has the floor, and I would presume the minister would start to make his speech.

**Hon Jim Wilson (Minister of Northern Development and Mines)** On a point of order, Mr Speaker: I think we've agreed to split the time, 20 minutes each, stand down the leads, and it will count as one sessional day. I am asking for unanimous consent.

**The Acting Speaker:** The minister has asked to stand down the leads, 20 minutes per party in rotation, and this will be one sessional day. And no other business is called. Agreed? Agreed.

Debate.

**Mrs Munro:** It is my pleasure to begin the debate today on Bill 216, the Accountability for Expenses Act (Cabinet Ministers and Opposition Leaders), 2002. This is just the latest plank in the government's platform of important accountability measures to bring greater open-

ness and transparency to the way in which MPPs and their staff spend taxpayers' dollars. Since 1995, the Public Sector Salary Disclosure Act, the Balanced Budget Act, and the Taxpayer Protection Act have all given the taxpayers of Ontario greater legislative protection over the taxpayer dollars government spends. It gives greater assurance to the people that their government will not return to the tax-and-spend days of Liberal and NDP governments and that their interests are protected.

This bill is only the latest addition to this impressive track record. For decades governments of all stripes in this House have operated under different sets of rules which were hidden from public view, too open to interpretation and inconsistently applied. Acting in good faith, ministers, parliamentary assistants and their respective staffs have claimed expenses which in turn have been called into question by their critics. Whether they were claims from dinners, trips or hosting delegations, all parties at some point have been on the receiving end of this criticism.

## 1850

Now is the time to take action to end the uncertainty and speculation, and to give taxpayers real assurance that the people who spend their hard-earned money are truly accountable for it and have clear, consistent rules by which they must abide.

That's why this past June, Premier Ernie Eves asked the Chair of the Management Board of Cabinet to review these rules and bring forward a proposal about how to improve the system and ensure it is open, accountable and fair. This bill is the result of that review and encompasses the need for a clear set of rules backed by an independent third party who has the power not only to advise, but to impose remedial action if necessary. If carried by this Legislature, this bill would be the first in Canada to bring legislative oversight to the way in which members of Parliament handle their expenses. Giving the Integrity Commissioner the power to establish rules, regularly review them and table an annual report would give unprecedented transparency and accountability to the entire process. By giving this role to an independent third party, the bill would provide much-needed impartiality to this process to ensure it is fair and reasonable.

This works on a number of levels. By referring this to an independent third party, it removes the partisan and adversarial nature of interpreting this issue in the Legislature. By doing so, it would help focus its energy on the real policy issues of the day that the people of Ontario sent us here to resolve. Health care, education and the



environment are all more important to taxpayers than how ministers, parliamentary assistants and opposition leaders spend their money on dinner. We owe it to them to come to a real resolution on this matter so that the House can focus its energy on these substantive issues and move forward.

This bill would help to do that by preventing endless partisan accusations, by providing for a mechanism to resolve disputes that might arise, and for the first time, by giving the people of Ontario a glimpse at how the leaders of the opposition spend the taxpayer dollars for which they are responsible. Requiring all ministers, parliamentary assistants, leaders of the opposition parties and their respective staffs to submit their expenses to the Integrity Commissioner will in itself provide a greater level of accountability.

As a person who enjoys the unqualified confidence of this House, the Integrity Commissioner is in an excellent position to judge with impartiality whether or not an expense was reimbursed according to the rules, rules which he is now in the process of developing. Similar to the way in which the Provincial Auditor encourages the responsible use of public funds, this reporting system would add a level of scrutiny never before seen in Ontario and not seen anywhere else in Canada. The commissioner would, on a proactive level, be able to provide advice to a person who seeks it, giving all persons under this bill the advantage of non-partisan advice before incurring an expense. This advice would be the same for all parties, whether Progressive Conservative, Liberal or New Democratic. It would apply equally to all those included under the bill and would provide much-needed consistency that is lacking under the current system.

I think it's really important to highlight this particular aspect of the bill with regard to the opportunity for this non-partisan advice. I know that many members take advantage of the ability to inquire currently under the Integrity Commissioner's responsibility with regard to areas that they face, questions on which they wish to have a decision made. It is this kind of non-partisan advice that would be available to all members in this particular piece of legislation.

I know that when you look at the Integrity Commissioner's report today, as it stands, and in his current function, there are often many examples in his report of the kinds of situations that he has been asked to give advice on. I know that many members find this opportunity to be very, very valuable. Obviously, having that non-partisan advice in this new context will, again, provide the members with the security that they have his advice and his position, his interpretation, and therefore are able to move forward in the same way they are able to seek that advice under the legislation we currently have.

Of course, we all know that no matter what the system, situations will arise that were never contemplated, the grey area that requires the use of judgment. Should a person exercise judgment that the commissioner

feels was inappropriate, he would then be able to direct a person to repay the reimbursement and to do so within a set period of time. I think this simply underlines the point I made previously with regard to the current legislation with the Integrity Commissioner, that obviously seeking the advice ahead of time is an absolutely foolproof way of ensuring that you are in fact not stepping into that grey area. This is, I think, a very, very important protection for all members who need to have that kind of impartial judgment.

While I anticipate that the vast majority of people would defer to the commissioner's decision, there is always the possibility that a person could choose not to do so. In that case, the commissioner would then be able to name the person in the annual report. As all members of this House know, this may well be the most damaging of punishments: public humiliation.

Again, following the same kind of pattern that currently exists with the Members' Integrity Act, the Integrity Commissioner has that ultimate tool available to him in naming a member. I know that all of us in this House are very conscious of the need to ensure that we follow within those guidelines currently set up in the Members' Integrity Act, and this simply runs in a parallel way for the members of cabinet, parliamentary assistants and the leaders of the opposition. Should there be a situation where that is not sufficient, the commissioner would also be able to recommend to the Legislature any other remedial action that he or she sees fit. Again, this is consistent with the commissioner's power under the Members' Integrity Act, and fits the government's commitment to accountability and openness.

One of the most important features of this new regime would be the evenness and consistency that would exist between offices. The same rules would apply to me as a parliamentary assistant, cabinet ministers past and present, the Leader of the Opposition, the leader of the third party and all our respective staff. We would all be held to the same standard and, more importantly, the public would be able to hold us to the same standard because this bill would require the government to post the rules on its Web site and to make them available upon request. Again, this level of openness is unprecedented.

#### 1900

I know there are a number of members across the way who are opposed to the legislation. I have heard them say that it leans on them a little too much and that it holds the opposition to a higher standard than the government. Nothing could be further from the truth. This bill would open to public scrutiny the expenses of the leaders of the opposition parties. It may be a shock for the opposition parties, whose expenses have never been the subject of public scrutiny; however, the goal of this bill is to be fair to all members and accountable to all taxpayers. On this side of the House, we don't mind the scrutiny. After all, governing brings with it the responsibility and obligation to be called to one's actions. We do that for an hour in this House each day. However, we also know that a taxpayer is a taxpayer and a tax dollar is a tax dollar, and

it is unfair to the people of this province not to be able to request or review the expenses of the Leader of the Opposition and his staff.

I know it is possible that the Liberals may claim that this bill would actually hold the former Premier, Bob Rae, and Lyn McLeod to a higher standard, but before I get to that, let me say that I never thought I would see Monte Kwinter, the Liberal member for York Centre, standing in front of a portrait of NDP Premier Bob Rae defending his legacy. I also wonder if the honourable member had forgotten about the \$300,000 trip to Italy that he took when he was part of the David Peterson government—

**Mr Wayne Wettlaufer (Kitchener Centre):** How much?

**Mrs Munro:** It was \$300,000—until Graham Richardson reminded him of it on last Friday's 6 o'clock Global news. I'm not sure about him, but I certainly would not have forgotten a \$1,000-a-night, four-star hotel. But I digress.

There is nothing in this bill that would hold the former leaders of the parties opposite to a higher standard than our former leader and Premier, and that's well understood. The Liberals know full well that Premier Harris's records have always been subject to freedom of information legislation. They seem to not have had a problem obtaining the records of other cabinet ministers, so I find it somewhat confusing why they think that the records of the prime minister of a government would not be subject to a freedom of information request. This has always been the case and there is nothing in the current legislation before the House that would change that.

Of the 56 government members, 49 of them can have their expenses examined under freedom of information legislation—under the current legislation, I should emphasize—because they are ministers or parliamentary assistants. Out of the 37 members of the opposition caucus, none of them can fall under the freedom of information requests, not one. The same is true for the caucus of the third party and their nine sitting members.

Under the proposed legislation, the numbers for the government side would not change. We would still be held to account, as we always have been. On the other hand, we would be taking the giant step, I might suggest, of increasing those covered under the opposition caucuses to one each. I recognize that to increase those covered under freedom of information legislation—I should say, to make them covered by it at all—is a giant step in accountability for the members opposite, but I hope they will agree that this is a reasonable step.

It is also important to remember that even when the leaders of the opposition parties are covered by the legislation, they would not be covered nearly to the same extent. These amendments would only allow a person to request or review the records dealing with expense claims. It would only extend the freedom of information legislation to deal with those dealing with travel, meals, accommodation and hospitality, and that's it. Caucus research offices would not be covered, and neither would

the expense records of the deputy leader of the opposition, nor would their education critic, health critic or any other member of their shadow cabinet.

The only new people covered by this legislation would be the leaders of the opposition and the staff. If that's not a level of scrutiny they can handle, they should come out and say it. They should vote against the bill, and then explain themselves to their constituents over the inter-sessional break.

These are important changes to the way in which ministers, parliamentary assistants, the leaders of the opposition parties and their respective staffs can claim business-related expenses. For far too long, the rules governing those expenses have been vague and inconsistently applied. I think it's extremely important to emphasize the fact that the rules have been there, they have been vague and they have been inconsistently applied. This is an opportunity we have taken to ensure that we do what is expected. The people of Ontario expect their elected officials to spend their tax dollars reasonably and responsibly. It is time to set in place a system that will provide for greater scrutiny and consistency.

This bill has been carefully crafted to make leaders of the opposition parties accountable for the taxpayer dollars with which they are entrusted. At the same time, it does not provide for any additional disclosure of any member's constituency work, which would still be overseen by the Board of Internal Economy. This is a fair process that recognizes the important leadership roles of the opposition party leaders as distinct from the rest of their caucus. It would provide a more equitable standard of openness, which is sorely lacking under the current system. By having the Integrity Commissioner report annually, it provides for an ongoing system of fairness and accountability.

This is important legislation that is needed to ensure the accountability that the people of Ontario expect from us. I look forward to the continued debate on this bill and encourage the House to give it speedy passage.

**Mr John Gerretsen (Kingston and the Islands):** I'm very pleased to join this debate this evening and to tell you that one of the things I've been interested in over the last seven years is the whole question of accountability. I certainly will be supporting this bill and I know our caucus will be supporting this bill.

I don't like the way the member for York North, for whom I have a high regard—she was a very prominent member of the public accounts committee for many years and made very valid contributions. But she kept talking about the opposition leaders as if this bill dealt only with the opposition leaders. Let's clarify it for the people of Ontario. This bill deals not only with the two opposition leaders we have here, the opposition and the third party, but it also deals with the 25 or so cabinet ministers we have. That's where the main focus surely should be, if for nothing else than in pure numbers. There are 25 over there and two here.

I don't think the public should somehow be left with the impression that the individual members shouldn't be



held accountable. I think we should be held accountable for every tax dollar that's spent, whether it comes out of our individual global budgets or whether it comes out of cabinet ministers' budgets or leaders of the opposition's budgets, whether it's spent in any government department.

1910

It's kind of ironic that we should be talking about this bill this evening. That's really what the Provincial Auditor's report annually is about. It's all about accountability. It's all about making sure the taxpayers' dollars, which are the dollars that you and I and the people of Ontario put into the system, are properly spent. Whether we're talking about spending it in programs for health care, education, the environment or anything else, or whether we're talking about spending it through our own individual global budgets or through ministerial budgets or the leaders of the opposition's budgets, it should all be accountable. No money should be wasted at all, because a dollar wasted is a dollar out of your pocket and my pocket. I think the people of Ontario deserve better than that.

But let's have some honesty to the system. The reason this bill is here is because of a number of unfortunate situations that happened in this House. I happen to believe that all the members here are honourable members; there's no question about it. But there were a couple of things that happened here. I'm not going to go into detail as to which cabinet minister spent more money or who spent less or what have you, but we all know why this bill is here: because of certain embarrassments that happened on the government side which caused one minister to fall and high expenses of other people—

*Interjections.*

**Mr Gerretsen:** You can see all my expenses. I've got absolutely nothing to hide. But what this gentleman doesn't understand is that we're already accountable. Our global budgets are accountable. On June 30, or sometime near the end of June, we get a report as to how all our global money—all our money for accommodation, all our expense money and travel money—is being expended. There should be full accountability for that, absolutely no question about it. But to somehow make it sound as if the members' budgets aren't accountable is, I think, doing all of us a disservice, because that's not the case. If somebody is spending money in an outlandish fashion and not having the due diligence that you would in spending your own money, then that is wrong, absolutely, and this bill is here because the government was embarrassed, which caused one minister to resign and a couple of other parliamentary assistants apparently to come up with tremendously high individual travel bills or what have you. That's what this is all about.

I see another very prominent former member of the public accounts committee here, the member for Niagara Falls. I can't for the life of me understand why you would include the current opposition leaders—you take the opposition leaders right back to June 1995, and you do the same thing with your own cabinet ministers—but

anybody who has left this place or was the leader of government is somehow exempted. Why isn't Mr Harris part of this? I realize full well—

*Interjections.*

**Mr Gerretsen:** Well, include him in the legislation, then.

**Mr Wettlaufer:** You could have FOIed him.

**Mr Gerretsen:** Of course I can FOI it. I can FOI it right now, and the cabinet ministers too. But the whole idea of having a piece of legislation is to make sure it's easier for the general public to do it. It's not what you and I can do by way of freedom of information; it's how does the general public get to know this? All I can tell you—

**Mr Wettlaufer:** Give us your leader's expenses.

**The Acting Speaker:** I've brought the member for Kitchener Centre to order a number of times, and if he wishes to continue, he won't be here.

**Mr Gerretsen:** My leader's expenses you should know about, and we should know about your leader's expenses too.

If there's one bit that I didn't agree with from the member for York North, it's that somehow she talked about something that a minister was involved in during the Peterson years and how much money he spent. I can assure you in that particular case that he probably took a trade mission somewhere, so that the money that was spent included an awful lot of money probably for salaries for civil servants and whatever else goes along with that. Let's be honest about it: that's what happened.

I, by the way, don't have a particular problem with, for example, people who may want to do business in Canada, from which we can all benefit in Ontario, being wine and dined to a certain reasonable extent so that we can get their business here. I've got no problem with that at all, because I know that sometimes you have to spend a dollar in order to make \$10 and in order to make our economy grow. So I've got absolutely no problem with it at all. But what I would like to know is, why have you somehow exempted Mr Harris and Bob Rae—and I'd forgotten that Bob Rae was actually here—

**The Acting Speaker:** Point of order, the member for Kitchener Centre.

**Mr Wettlaufer:** Mr Speaker, under the point that the member opposite is raising, he is wondering why, under the point of order—no, no.

**The Acting Speaker:** No, what's the point of order?

**Mr Wettlaufer:** I'm trying to get to that. Mr Harris's expenses have been FOIed 12 times—

**The Acting Speaker:** That's not a point of order. Sit down. The member for Kingston and the Islands.

**Mr Gerretsen:** They may have been FOIed a hundred times. That still doesn't make it any easier for the general public to—

**Mr Wettlaufer:** They're there for you.

**The Acting Speaker:** I name the member for Kitchener Centre, Mr Wettlaufer.

*Mr Wettlaufer was escorted from the chamber.*

**The Acting Speaker:** The member for Kingston and the Islands.

**Mr Gerretsen:** Well, I must admit that I'm a little surprised. Here I got up and I agreed with everything that's in this bill, I think there should be something more in the bill, and I get heckled by the government members.

*Interjection.*

**Mr Gerretsen:** Thank you very much, the member from Scarborough Centre. Another wonderful individual on the public accounts committee that really contributes a lot.

So I guess what I'm saying is that if we're going to have this kind of a bill, and I think we should, let's include everybody. If you want to go back to 1885 or 1995, I don't care. If somebody has been taking money out of our pockets for improper purposes, they should darned well be—I was almost going to say that word—accountable for it.

If you want true accountability, I was going to suggest tonight, why don't you just pass my audit amendment act? Mr Maves had a similar bill like this about five years ago. This bill has been given second reading, which basically will give the auditor full auditing powers to follow the money to the grant recipients, to the hospitals, to the universities, to the colleges, to the municipalities etc. It's been given unanimous approval on second reading in this House, it's gone to committee unanimously, it was given clause-by-clause. It's sitting there waiting to be called, and I would just ask you to call it.

As a matter of fact, even the auditor today, in his statement—and I was very pleased he did this, by the way, and it came as a bit of a surprise to me—endorsed my bill and he said, and I will quote from his speech today, if you will permit me:

“Finally, on a further positive note, last Thursday the standing committee on public accounts unanimously approved Bill 5, as amended by the committee in its clause-by-clause review. Bill 5 is an act to amend the Audit Act to permit my office to carry out full-scope value-for-money audits of hospitals, universities, colleges, municipalities, school boards and other organizations that receive transfer payments. Since the government has the majority on the public accounts committee, I urge the government to give an early and successful third reading of Bill 5. Bill 5 was introduced by Mr John Gerretsen, the Chair of the committee, some time ago. Passing this bill would fulfill the commitment to amend the Audit Act made by the government in the speech from the throne in April 2001.”

So I would ask the government leader to call this bill some time between now and a week from Thursday. Let's pass it. Let there be true accountability. And I know the hospitals won't like it, the universities won't like it. I've heard from them already. I've heard from them locally in my community as well. Quite frankly, I don't care. I think if we're giving millions and millions of dollars to hospitals, universities and colleges, then we, through the auditor's office, should have the right to make sure that money gets expended on the programs for

which it was intended. Now, does that mean that he's going to go into every hospital, university and college overnight and do an audit? Of course not. He doesn't have the human resource power to do that. But on the other hand, if there are concerns, he has the ability to do that and he should be able to do that.

By the way, this is something that Mr Maves called for, this is something that the Premier called for when he was Minister of Finance back in 1996, it is something that was sort of included in the Public Sector Accountability Act in a different sort of way, which I think was included in the speech from the throne, in the last one in 2001. It's all here. It's all here in this Audit Act amendment act. Let's pass it and let's get on with it. That, to my way of thinking, is true accountability. Because we need that in the system. We need to make sure that when people pay their money to government, it's being expended properly.

1920

We have seen all sorts of examples where that's not the case. When you look at the Provincial Auditor's report this year and you see how money has been wasted in consulting services—just think about it. There have been some ministries where basically, in order to meet the human resource guidelines as far as the number of people who could be employed in a certain ministry, certain people have, in effect, been let go or have been retired or whatever, and they came back the following day and were hired as consultants. That's included in this year's report. That is just atrocious, absolutely atrocious.

Let me just give you an example of that. They came back at a much higher salary—if I can find the page here, and I'm looking very quickly to see if I can find it. Some of these people were making, let's say, \$200 to \$300 per day as employees and they came back in basically the same capacity the next day and were making three times as much. Here it is. This was for the Ministry of Health and Long-Term Care on page 182 of the Provincial Auditor's report. In other words, it isn't my propaganda. It's in the report from the Provincial Auditor who, again, doesn't work for the opposition. He doesn't work for the government. He works for all of us. He's an officer of the Legislative Assembly. He's totally independent, although at times, particularly when he comes out with bad news for the government, I know a lot of government members think that he somehow works for the opposition, but he doesn't. He doesn't. He works for all of us here because all of us, surely, want to make sure that our taxpayer dollars are being spent properly and correctly. Because if it is spent properly and correctly, there is more money available for education, there is more money available for health care, there is more money available to look after the environment properly etc.

Let me give you an example. There's a chart on page 182 of this year's report which shows that in the Ministry of Health and Long-Term Care, for the employees that were let go, the average overall per diem rate for staff was \$273 per day. When those people came back the following day as consultants, do you know what their



average per diem was? It was \$847. It's unbelievable. There are all sorts of ranges in there, but to me it's almost incomprehensible as to how that can happen. This is kind of interesting. When the auditor was asked by the media about this, as to how this could possibly happen, what was his response? That a business case had not been made on a value-for-money basis and that consultants shouldn't be hired on that basis. He found that there was money being wasted.

There are so many other areas, and I'm sure that over the next little while we will have an opportunity, over the next 10 days, to ask questions about some of these issues.

For example, on the corporation tax situation—this is another one that absolutely baffles me—did you realize that we have 763,000 corporations in Ontario? That's a lot of companies and a lot of them are probably very small. But did you realize that 355,000 companies last year didn't even file an income tax return? They didn't file a return.

Now, in the olden days what would have happened was that a letter would have gone out from the Ministry of Finance saying, "You haven't filed. You need to file." As a result, in 1995 only one in five companies had not filed. Of course, some of these companies may not be operating. I'll admit, some of them may be very small. There may not be any reportable taxable income for that given year. I'll grant them that much. That may happen, but in those days, back in 1995, only one in five corporations didn't file a tax return. You know what it was this time around? More like one in two; 355,000 corporations didn't file an income tax return. My golly, if we did that on an individual basis, the revenues in the province would probably drop by \$10 billion to \$15 billion and it would be totally untenable.

Why don't we do the same thing with respect to corporations? Why don't we send out letters to these corporations and say, "Hey, you haven't filed. Why don't you file?" It may very well be that in some cases they did pay their corporate taxes on a quarterly basis. I don't know that. He didn't know that either. The point is, they didn't file their returns. You can be assured that, if they didn't file their returns, in an awful lot of those cases there was money owing. I think he came up with a figure on that as well that I won't have an opportunity to go into in great detail.

I think one of the functions that we have as parliamentarians, whether it's in government, as a cabinet minister, as a parliamentary assistant or being a Chair of a committee, on a board or what have you, or whether it's in opposition, is to make sure that the people's tax money that's being collected—it's the people's money; it's not the government's money—is being spent in a prudent way, whether we're talking about the individual expenses that any of us have, which should include everybody, or whether it's in the larger programs that are out there.

As the member earlier said, health care and education are more important than to ask the kind of questions that were going on about a month or so ago when we asked about particular expenses that individuals had incurred

etc. She's right in that. We shouldn't have to talk about that. It's from that viewpoint that we think it's a good idea that the Integrity Commissioner is involved. That gentleman in that office is totally beyond reproach. I've got the highest regard for him and I'm sure he will do an excellent job for us—for the taxpayer, in effect. And we should be much more concerned about health care and education issues.

Of course the problem is, as I've been told many times, it's question period that takes place here; it's not necessarily answer period. Maybe the whole House would function an awful lot better if the government ministers were actually there to answer questions rather than to quite often come up with anything but an answer to a question that's being asked. That would help, I think, an awful lot. I think one of the reasons why this place gets so loud and boisterous at times is that the opposition members, and I would dare say even sometimes the government backbenchers, are so frustrated by the fact that they're not getting any answers to any of the questions that are being asked. That's one way in which this could be alleviated.

I see that I'm into my last half-minute here, and I'm sure some people will be happy that that's so. But let me just say once again, we support this bill, but include everybody. Do not let the former Premier off the hook. If you're going to take it back to June 26, 1995, take it back for everybody, whether they were in cabinet, whether they were in opposition and I would dare say whether they were even private members or individual backbenchers on the government side, or opposition members. Everybody should be accountable. That's what it's all about. That's what the taxpayers and the citizens of this province demand.

**Mr Gilles Bisson (Timmins-James Bay):** It is so good to be here amongst all my colleagues tonight debating this most important bill, the bill I want to call the tit-for-tat bill because, quite frankly, what this is all about is a government that is frustrated by some of the excesses of their own members and have decided to participate in a little bit of partisanship by way of legislation. I think it's quite interesting.

I want to say up front, our caucus will be supporting this bill. We see this, quite frankly, for what is probably not a bad thing as far as being able to make expenses accountable.

I just want people to know why we're here with this bill tonight. Let's review it. The Liberal opposition has raised a number of allegations toward certain cabinet ministers when it comes to excesses that they have with their expenses. We're not going to get into names, but we know a number of them have got caught with expenses that were a little bit beyond the pale. The public reacted badly. The government looked bad and probably took a couple of hits in the polls because they were seen as coming to Queen's Park as the accountable party, the party that was going to be different and frugal for the taxpayer. They were just going to watch out for the taxpayer. They were going to make sure that taxpayers

get everything they deserve when it comes to the frugality of the Conservative Party.

The opposition raised a number of instances where members in the cabinet unfortunately were not as frugal as their mantra set out to be. Therefore, the Tories feel kind of bad about that because they're supposed to be seen as the frugal government, the anti-government government, the government that came to Queen's Park to clean things up, the government that was going to be different, and the public figured out, when they got their chance to get their time at the trough, that they were pretty good themselves.

1930

Now you've got a government that says, "I'm mad as Dalton McGuinty. Oh that guy, he came in the House and he accused my ministers of doing all kinds of things." So the government drafts up a bill, and I want to call it the tit-for-tat bill because the government now says, "Let's stick it to Dalton." We know how this place really works. We know that leaders of the opposition, in the thought of the Tory caucus, are maybe not as frugal as they put it out to be when it comes to their expenses. This is an opportunity for the government to say, "Come on, Dalton. We're going to stick it back to you."

I don't know what we gain in doing these kinds of things because, quite frankly, I think we all look bad when we start doing this kind of stuff. At the end of the day, we're all honourable members, and I would hope, as honourable members, that we try to treat ourselves as well as the public with a little bit of respect.

So this government has come forward with this bill and they've said, "Now we're going to get an opportunity to make totally clear the expenses of the opposition leaders," and they're going to make totally clear that the public has the right to know how much Dalton McGuinty or Howard Hampton spends when it comes to them going out.

I want to put forward the expenses of my leader, Howard Hampton, because we know my leader is compulsive. My leader, I have to admit, at times has been seen walking into Mr Submarine and ordering a vegetarian sub, and I know my leader likes to drink black coffee and I've seen him walk into Tim Hortons time and time again as we went around on the tour with the hydro bus. I'll tell you, any time we stopped it wasn't at Hy's Steak House in downtown Toronto and it wasn't at Hy's Steak House in Ottawa or the London Café in Timmins. Howard, I've got to say, has got a thing for Tim Hortons and Howard has a pretty good thing for Mr Submarine.

I look forward to the day when the opposition leaders, the Liberal opposition or the government will be able to FOI my leader's expenses, because I'll tell you, it's going to be pretty hard to try to figure out exactly what Howard was trying to put in when they look through the coffee stains on those \$5 receipts that he has for those subs he gets from Mr Submarine.

I want to say, we're going to make sure that Howard, the next time he goes out to a Tim Hortons or a Mr Submarine to order those garden fresh salads and those

subs that have no meat on them, only vegetables—God, imagine that, somebody eating something without meat on it. For me, that would be almost sacrilegious, but that's another story.

I've got to say, we're going to be watching Howard. We've told our staff at Queen's Park, "It's important when you go out with Howard that you're the first to grab the bill and make sure he doesn't drop any of that sauce that you put on top of the salad"—what do they call that? Salad dressing. I don't eat a lot of salad, as you might have noticed, so I'm not too sure what that's called. But we've told Jeff Ferrier and Stephanie Levesque and others who travel with Howard, "Get that receipt right away." We've got to make sure Howard doesn't get his hand on it because we know once Howard gets it, he might drop a bit of coffee on it or a little bit of salad dressing. Or when he's eating those subs and he's got the receipt on his lap, what happens, you've got that miracle sauce they put on at Mr Submarine and sometimes that falls down on to the receipt. I know that the auditors or the Conflict of Interest Commissioner or the public, if they were to get hold of those receipts, might have a difficult time trying to read my leader's receipts because they're so outrageous: \$7 and \$10 and Mr Sub and Tim Hortons.

We will try to be straight as a caucus. We will do all that we can to make sure that Howard, when he gets those receipts, keeps them in good shape, that they're not too dirty, not too many coffee stains on them, and that they're organized in such a way that it's easy for people to read. So that's the first thing I want to say from our caucus.

The other thing I want to say is I find this debate and the idea of this legislation a little bit passing strangle from another point of view, and that is that we've got the government saying, "We're going to look at the opposition leaders' expenses and we're going to be a little bit more clear when it comes to the expenses of cabinet ministers and the current Premier." I would just say bring it on. I don't think the Liberal opposition and I know we don't—we don't have anything to hide; we're pretty clear. We have a budget and we spend that budget according to the rules. I don't know of any instances where people have done things that they shouldn't have done, but maybe those who toss rocks into glass houses should be careful where they toss those rocks, because at the end of the day they may find some surprises in their own backyard. I just want to say for this debate, at the very beginning, I hope that others have been careful on the other side of the House when it comes to their expenses.

The other thing I want to say is in regard to how far back this legislation goes. We say we're going to bring it back to June 26, 1995, and I presume we're doing that so we don't have the opportunity, FOI, with Mike Harris's expenses when he was leader of the third party. Why is that? I would like to see and I would like to compare, if we're looking at opposition leaders, how different parties and different leaders have dealt with their expenses. I



would hope, as one friendly amendment, if we're going to make this legislation retroactive to June 26, 1995, presumably to line up with the Tories' election, we try to go back a little bit further.

What we're trying to do is compare opposition leaders, so I want to compare them well. I would like to see Mr Harris's receipts for the time he was the third party leader, from 1990 to 1995, so we can take a look at what the expenses were for one Mike Harris, leader of the third party, the Conservative Party; one Howard Hampton, leader of the NDP, the third party; and now Mr McGuinty, who is the leader of the official opposition, and compare them. Who knows? We might find some little surprises.

If we're going to start doing this, I think we should do it in a way that is as clear as possible. What we're trying to say to the public is that we're all honourable members, we all take our jobs seriously, we're all frugal when it comes to expenses and we want to make the process clear. So I want to propose a friendly amendment that we make this legislation retroactive to, let's say, September 6, 1995, so that we're really able to compare apples to oranges to see what people have done and when they did it.

The other thing I want to say—and this quote might come back to get me at one point, but I'm going to say it anyway. They've got a section in this legislation that deals with a complete ban on alcohol. There is one thing that bugs me: when we deal with public servants and how we do business within the public service, we have much different criteria for how we judge ourselves than the private sector judges itself. As members, as critics and as ministers, we all know, because we deal with private sector people in our ridings on a regular basis, man, if we had to FOI the credit cards of most people who work in corporations, at the upper echelon of that corporation, or sales people, I think the stockholders and the consumers who buy the goods might be a little bit surprised. I just bemoan the point that sometimes we do it to ourselves in this Legislature. I don't argue for a second that we shouldn't be as clear and transparent as possible and that we shouldn't be frugal with taxpayers' dollars. That's not my argument. But I would just say that we tend to treat ourselves differently and hold ourselves to a different standard.

As I look around downtown Toronto at places like Barberian's, Hy's Steak House, Bigliardi's and other restaurants out there that are known to be quite good, you don't see too many cabinet ministers and backbenchers and opposition leaders in those types of restaurants. It's by and large the private sector, and I would be willing to guess that most of them aren't paying that out of their pockets; most of them are paying with the credit card they get from their company.

I would just say to us, as members inside this House, that once we start throwing this stuff at each other in these types of tit-for-tat bills, I think we're racing down to the lowest common denominator. We tend to beat

ourselves up far too often in here, which I don't think serves any of us.

I give as an example the whole debate around pensions. I get an opportunity to put this on the record. The government was elected in 1995 on the idea that they were going to scrap the gold-plated pensions. Government backbenchers of the day, because they were not vested in the pension system, thought, "Oh, what a great idea. We're just going to stick it to those people who have been here a little while," not thinking for one second that they might make it to a second term. So now I hear government backbenchers bemoan the fact that they haven't got the gold-plated pension and how stupid they were—

*Interjection.*

**Mr Bisson:** I'm going to get to that—putting forward such a piece of legislation, which treats us as different and beats us up to any extent. The point I make is that sometimes we in this place tend to do that to ourselves, to our own detriment. I look forward to the day when there is a minority government back in this Legislature and we can actually get to negotiations, when the three parties are able to sit down at the government House leader's meetings and take a look at how the rules of this House should operate, how we deal with expenses and how we treat ourselves and the public fairly on all these issues. I think, by and large, doing these kinds of things, this tit-for-tat type of legislation, in the end is a disservice to all.

**1940**

If we want to talk about how we make government more transparent and how we deal with open accountancy when it comes to how we spend dollars, fine. We, as members of the assembly, do that every day. Every dollar we spend as individual members, by way of our constituency budgets or by way of expenses for travel, is published every year. I think that's a pretty good system.

They look at it, they grab the book at the end of the year and they say, "Ah, who are the highest-spending members in the assembly?" And normally I'm one of them. I'm normally number two, number three, sometimes number one, because I live in a riding that's far away. It's \$980 for airfare, a \$40 cab ride there and back from the airport, and I travel about 60 trips a year. So I'm normally one of those members who gets really high on the expenses. My point is that at the end of the day, I like that system. They look at it and say, "Gilles Bisson, MPP for Timmins-James Bay, he's the second- or third-highest-spending member of the Legislature." I'm held up to public accountability in my own riding. The people in my riding have to make up their minds, "Do we think it's excessive for our member to be spending that kind of money?" The final test at the end of the day is that they will decide when it comes to election day if I have or haven't done a good job.

I just argue that this legislation we bring forward tonight is more of us beating each other over the head, and for what? At the end of the day, I don't think we're treating the public fairly in this process. If we want to

talk about transparency, let's talk about a system that says that members are allowed to expense.

For example, I was just talking to a friend of mine, Mr Ron Millette. By the way, we came in from the airport together on the first Jetsgo service from Timmins, the second flight today; \$147 one way from Timmins to Toronto on jet service. I couldn't believe it. It was an MD-89, I think it is, or MD-83. But anyway, that's another story. We were chatting today about how we, as members—and we all know this. You get called in your constituency office to meet with X group in your riding, or as a critic you get a phone call to attend a particular meeting, and you end up at a coffee shop or a restaurant for lunch. Who gets stuck with the bill, normally? The MPP, right? Are we able to expense any of that? Not a dime. We can't expense any of it. I don't bemoan the fact. I knew when I got into this job I was going to get caught in those things, but we don't get to expense any of it.

I'm just saying that this type of legislation doesn't deal with the real issues. I would rather have a completely transparent system that says that anything I receipt as a member is FOIable, just as it is in this legislation, and we're allowed to incur certain expenses when it comes to what we do as members in our job. People just automatically assume you have an expense card because you're an MPP, and even though you don't, you end up picking up the bill anyway.

*Interjection.*

**Mr Bisson:** Our federal members? I don't want to go there. I'm going to get really upset.

What we need to have is a completely transparent system that says that any receipt I hand in as a member should be FOIable. Anybody in my riding or across Ontario who wants to check my expenses should have the right to do so. I think that's the sort of check of honesty to make sure we don't do things we shouldn't do, because I think there is a temptation if you don't have an accountability process.

At the end of the day, publish it. I think that's the best system. At the end of the day, members are published in one book, and we turn around and say, "OK, who are the ones who spent the most in various categories?" You look at it. The media will figure out who to talk to. They're obviously going to go, "Oh, restaurants and meals, member X spent the most." They're going to go and talk to member X. If member X has a good explanation for what he or she did, fine; if he doesn't, fine. Then the voters will decide.

But I don't like the idea of putting a cabinet minister in a position of saying, "Oh, God, sorry, visiting dignitaries from Belgium, I can't afford to buy you a drink because we've got a ban on alcohol." And we're hosting these people? They're going to say, "What kind of province is this? Here we are, we've come all the way from Belgium to meet with the government minister on an issue"—or an opposition leader, because we meet with

those people as well. I met with groups from Ireland, I met with groups from different parts of the world. But to put ourselves in a position where a cabinet minister is afraid of submitting a receipt because of this public sort of debacle we have going around with this stuff I think is a disservice not only to the minister but to the people with whom we're trying to do business as a province.

At the end of the day, let me tell you, if I worked in the private sector and I had visiting dignitaries from Belgium, the credit card would be going, if they had been one of my customers, and my employer wouldn't say a bloody word. Do you think he cares if two thirds of my bill is alcohol versus meals? The employer wouldn't care. He'd say, "How come? Did you get a sale? Yes, you did? Good job, boy. Have a good day." That's what they would be telling me.

This idea of treating us differently I think is a disservice to all of us. I just argue, don't put people in a position of feeling as if they can't do their jobs. I'm advocating for cabinet ministers here. Because as backbenchers, private members or opposition members, we have no credit cards; we can't do that. I cannot expense one glass of wine or one bottle of beer. It's against the rules; I can't do it. But don't put our cabinet ministers in a position of their being so afraid to charge something because possibly they're going to be doing something wrong because of this sort of debate that we have in this Legislature where we start yelling, "Oh, I'm purer than the other guy." Come on. We've all been on all sides of the House. We all have a job to do.

I just look forward to a day when we in this House start treating ourselves a little bit better and giving the public some good, clear rules about how they can FOI our expenses and how they can see what it is we've been doing, and letting the public, through the voters in our ridings, decide if we've been doing it properly or not. To get into these kinds of debates with this legislation today is a bit of a disservice to all of us and, I would argue, to a certain extent a disservice to others.

With that, I would just say that I look forward to the leads that will be happening certainly from other people as they go into this debate. I also want to just repeat, to make sure that people who tuned in lately understand, that we as New Democrats will be supporting this legislation. We believe in transparency. We believe that it's public dollars, that you should have the right to know. We don't have a problem with that concept.

But I just want to say what I said at the beginning: this is more of this tit-for-tat stuff that we're doing in this House that I think is a disservice to all of us. At the end of the day, if we don't start treating ourselves a little bit better in this House, who will?

**The Acting Speaker:** According to the unanimous consent of the House, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1946.*



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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 4 December 2002

Mercredi 4 décembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 4 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 4 décembre 2002

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### SCHOOL BUS SAFETY

**Mr Pat Hoy (Chatham-Kent Essex):** A two-month campaign to educate drivers on school bus safety wrapped up in Chatham-Kent last week. During this blitz, police reported 107 violations where motorists drove past school buses while their overhead lights were flashing. We were very fortunate that no one was hurt or killed. One hundred and seven incidents of illegal passing in just two months are absolutely unacceptable. This blatant disregard for the law must end. We need an effective deterrent. We need to give teeth to the current law so that offending drivers can be held accountable.

I have spent six years lobbying the Harris-Eves government, six years gaining support from local, provincial and national organizations that advocate vehicle liability to protect the 810,000 children riding on 16,000 school buses in Ontario. What is it going to take for the Harris-Eves government to finally understand the need for Bill 112?

Our children must be protected from drivers who illegally pass school buses here in Ontario. How can this government justify the idea of vehicle liability for electronic toll roads, parking fines, red light cameras or flying truck tires if it is not prepared to extend the same practice to the protection of our children?

This government's double standard must end today. Pass Bill 112 immediately.

#### LAMBTON GENERATING STATION

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** I rise in the House today on behalf of the constituents of Lambton-Kent-Middlesex. I would like to encourage the Minister of Energy to continue working toward providing the residents of Ontario with a commitment to providing affordable, plentiful and environmentally friendly power, unlike the McGuinty Liberals, who want to close the Lambton generating station located in Sarnia township. Shame on you.

I would like to share a letter that the Sarnia Lambton Chamber of Commerce recently sent to Frank Chiarotto, the manager at the Lambton generating station:

"At its recent meeting, the board of directors of the Sarnia Lambton Chamber of Commerce recognized your achievement of significantly improving air quality at Lambton generating station. Your investment in scrubbers has considerably reduced emissions in an affordable manner for the taxpayer.

"The board made an additional motion that we will also forward to the Minister of Energy, Honourable John Baird:

"As a result of these environmental improving initiatives by OPG, the chamber supports the continued use of thermal coal-fired generating stations in Ontario, as a most cost-effective alternative to our supply concerns."

"Congratulations on your recent efforts and best wishes for many more years of improvements for our taxpayer and energy users."

#### ANAESTHETISTS

**Mrs Sandra Pupatello (Windsor West):** What is so frustrating is that this Minister of Health with the Harris-Eves government wants to declare war on a particular type of specialist in Ontario. Today it's the anaesthetists. So he decides that he wants to publicly say he won't be intimidated or he won't be bullied.

Let me tell you what's happening to the residents in this province. They are the ones who are having their surgeries cancelled because we have a health minister who refuses to act; a health minister who knew last year that we have a significant problem, this time at the Toronto General and Toronto Western hospitals, dealing with anaesthetists; and that we have a shortage of these specialists across the province.

This minister says publicly that he won't let those operating rooms close. Guess what? They've already closed six of them. The current discussion is about closing yet another four. So we already have delayed surgeries because this government refuses to act on a problem they know has existed for some time.

He wants to bring it down to the base level of how much we are going to pay them. How about talking about what these people have to do for a living at the Toronto General and Toronto Western hospitals? How about starting their first surgeries at 7 am and working right through until 6 pm?

How many surgeries are being cancelled? Well, the hospitals are being honest with patients: "We don't know if we can keep up this kind of schedule with the limited number of anaesthetists that exist." They're suggesting



they need at least 30 more for the required surgeries they have booked.

This requires action, not just talk about bullying by this government.

### MEDICAL ARTS BUILDING

**Mr Rosario Marchese (Trinity-Spadina):** I want to inform you, Speaker, and the other members that I was at a rally this past Sunday with Olivia Chow, a city councillor from my area, trying to prevent the closure of the Medical Arts Building at St George and Bloor.

Many of you will know that this building has housed many medical professionals providing essential services for many in the community, not just in my own little riding but in the surrounding community, for over 70 years. They have served about 200,000 people.

I understand the University of Toronto has bought the building and wants to close it down. My problem and my point is that I support the University of Toronto and its needs. They have many needs to take care of, one of which is the double cohort and the demographic changes that obviously will force the university to accept over 70,000, 80,000 or 90,000 more people in the next couple of years. I understand that. My point is that you don't serve your own needs by displacing the needs of our health care community, which has been well served by the Medical Arts Building.

The Medical Arts Building is strategically located and accessible to everyone, including people with disabilities, and it serves a number of the university students who are in the area.

My point is, Minister of Health and minister of post-secondary education, get together with the university and solve it so that all our needs can be taken care of.

### DAIRY INDUSTRY

**Mr Ted Arnott (Waterloo-Wellington):** Today, I had an opportunity to meet with Bart MacLean, Hans Vink and Bill Mitchell, who are with us in the gallery. They represent the Dairy Farmers of Ontario, and I am honoured to say a few words about their industry.

In Waterloo-Wellington, we understand that the success of our dairy farmers means success for us all: for our economy, our rural way of life, our nutrition and our health. The Dairy Farmers' own newsletter recently explained the significance of this sector by stating that the riding of Waterloo-Wellington is one of the largest areas for dairy farming in Canada, with milk having a huge economic impact.

The Dairy Farmers noted that last year Waterloo-Wellington's 731 dairy farms shipped about 284 million litres of milk, worth about \$170 million. To give a sense of how dairy farmers provide opportunities to people in Waterloo-Wellington, they stated that dairy farms directly employ 1,000 dairy families and provide jobs for nearly 2,900 workers.

The income value of Waterloo-Wellington's dairy farms is also massive. If we ever had to replace the in-

come from milk, manufacturing plants would have to create jobs for over 5,600 workers with salaries of more than \$30,000 a year.

This success in Waterloo-Wellington is a credit to the entrepreneurial drive of our farm families, and it's a clear and positive result of our supply management system. In the 12 years I have been privileged to serve in this House, I have always maintained that supply management is fair to both producer and consumer—quality and stability at a fair price. The maintenance of supply management is absolutely crucial to our rural economy in Ontario. I will continue to support it and encourage all members of the House to help keep this system strong.

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### LONG-TERM CARE

**Mr John Gerretsen (Kingston and the Islands):** The abysmal record of the Ministry of Health and Long-Term Care when it comes to dealing with our long-term-care facilities and the people who live in those facilities goes on.

Back in 1995, the auditor reported that the ministry had "not developed either standards to measure the efficiency of facilities in providing quality care or models for staff mixes for providing nursing and personal care."

Not only have they not done that seven years later, but it's worse. The few standards that there were with respect to the number of hours of nursing and personal care and the fact that the seniors should get at least one bath per week have been deleted. There are no standards at all, as far as the ministry is concerned.

The auditor also noted that "the ministry had not addressed the results of a 2001 consulting report"—which he himself paid for—"that noted that residents of Ontario's long-term-care facilities 'receive less nursing and therapy services than [those in] similar jurisdictions with similar populations.'" We are dead last in the 10 jurisdictions that were studied.

Not only that, it gets worse. Of all the nursing beds that have been opened since 1998, not one licence has been issued. None of the nursing homes in Ontario currently had current ministry licences issued at the time of the audit.

Our seniors deserve better. Minister, shape up.

### JADE SINNESAEEL

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** It gives me great pleasure to tell you a bit about a 13-year-old from my riding of Haldimand-Norfolk-Brant. She has earned the title of Lady Llama in the local press after overcoming setbacks to be named grand champion at this year's Royal Winter Fair.

Jade Sinnesael, who hails from the village of Wye-combe, wowed the Royal judges with her llama named Kit Kat, placing her first overall out of 49 competitors in the youth division.

What makes Miss Sinnesael's accomplishment even more impressive is the fact that a week before the com-

petition the llama that Jade had been training for months had pulled up lame. Instead of allowing the setback to defeat her, however, she rose to the challenge and began intensive training with Kit Kat that would earn her top honours a week later.

Following the award-winning show at the Royal, Jade's accomplishment and her reputation for drawing the best out of her animals will take her to a different stage. Television crews are filming her story for an episode of *Animal Magnetism*, a show that looks at the bond between people and their animals.

Jade Sinnesael is a shining example of what young people can accomplish on our farms across rural Ontario. I would certainly like to take this opportunity to congratulate Jade, better known as Lady Llama of the Royal Winter Fair.

### GOVERNMENT CONSULTANTS

**Mr George Smitherman (Toronto Centre-Rosedale):** All the Tory hogs are lining up at the Eves trough again. We learned yesterday that Ernie Eves is spending more than \$600 million on consultants this year, more than double what he spent just four years ago. It seems that the Premier of Ontario offers the best severance packages in the history of humankind: quit your job today and come back tomorrow at double or triple the pay.

I would say it's like winning the lottery, but in this case your odds of hitting pay dirt are virtually guaranteed. They don't have money for our schools or for our hospitals, they can't be bothered to go after killers or rapists, they couldn't care less that half of the corporations in our province don't even file a tax return, but they certainly care about looking after themselves and their friends in the consulting business. The taps are turned on and the pigs are lining up at the Eves trough.

I said in the Legislature a few weeks ago that it looked like Ernie Eves and his friends were driving their limos up to the Queen's Park loading dock and shovelling the money in by the millions. I was wrong. It was hundreds of millions of dollars. When it comes to slick government, this Tory bunch takes the cake.

Ontario wants a Premier that is honest, has integrity and leadership. They want a Premier who will put their needs first and not throw away hundreds of millions of dollars on their friends. They want a Premier who is the exact opposite of Ernie Eves. They'll get that Premier. His name is Dalton McGuinty.

### EID UL-FITR

**Mr Bob Wood (London West):** Over one billion Muslims throughout the world have been observing a month of fasting and inner reflection during Ramadan. Ramadan ends with the sighting of the new crescent of the moon, which will be December 5 this year, and is celebrated by the festival of Eid ul-Fitr. Literally the Festival of Breaking the Fast, Eid ul-Fitr is one of the two most important Islamic celebrations.

Eid ul-Fitr is a day of joy and thanksgiving. At Eid ul-Fitr people dress in their finest clothes, adorn their homes with lights and decorations, give treats to children, and enjoy visits with friends and family.

A sense of generosity and gratitude colours these festivities. Although charity and good deeds are always important in Islam, they have special significance at the end of Ramadan. As the month draws to a close, Muslims are obligated to share their blessings by feeding the poor and making contributions to mosques. Eid ul-Fitr also honours the universal values that are embodied in Islam: love of family and community; mutual respect; the power of education; and the deepest yearning of all to live in peace—values that can bring people of every faith and culture together, and strengthen us as a people and nation.

I know I speak on behalf of all members of this House in extending our best wishes and greetings to the Muslim community in Ontario as they celebrate this auspicious occasion.

To our Muslim friends: Kullu am wa antum bi-khair. In Arabic that means, "May you be well throughout the year".

### VISITOR

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I would like to note the presence in the members' west gallery today of someone who is a truly great Canadian. He has been a mentor to many people on this side of the House, I know, and someone whom we all respect. He's known affectionately as the rainmaker, Senator Keith Davey.

**The Speaker (Hon Gary Carr):** We welcome our honoured guest.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that today the Clerk received the 12th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

### INTRODUCTION OF BILLS

#### CONSULTANTS BOONDOGGLE FREEZE ACT, 2002

#### LOI DE 2002 SUR LE GEL DE L'ENGAGEMENT FUTILE D'EXPERTS-CONSEILS

Mr Colle moved first reading of the following bill:  
Bill 219, An Act to promote fiscal responsibility by limiting payments to consultants / Projet de loi 219, Loi



visant à promouvoir la saine gestion des fonds publics en plafonnant les paiements versés aux experts-conseils.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for short statement?

**Mr Mike Colle (Eglinton-Lawrence):** As you know, yesterday, with the Provincial Auditor's report, there was some outrageous spending exposed, whereby \$662 million was spent on consultants by this government. We had consultants that were paid up to \$2,600 a day. We had people who were given \$360,000 for two years' work—just over and over again, examples of how spending for consultants is totally out of control in this province. The people of Ontario want this stopped.

I've introduced today a bill called the Consultants Boondoggle Freeze Act, which would cap the pay for consultants at a very good, hefty wage of \$100 per day. That would be the minimum. If this bill is passed, we will—

**The Speaker:** Order. I thank the member.

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#### POLICE SERVICES AMENDMENT ACT (INDEPENDENT POLICE COMPLAINTS COMMISSIONER), 2002

#### LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES POLICIERS EN CE QUI CONCERNE UN COMMISSAIRE INDÉPENDANT AUX PLAINTES CONTRE LA POLICE

Mr Hampton moved first reading of the following bill:

Bill 220, An Act to amend the Police Services Act with respect to the disciplining of police officers and to reinstate a fair and impartial process with respect to public complaints about police officers / Projet de loi 220, Loi modifiant la Loi sur les services policiers relativement au processus disciplinaire d'agents de police et visant à restaurer un processus équitable et objectif pour traiter des plaintes du public concernant la conduite d'agents de police.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Howard Hampton (Kenora-Rainy River):** The bill amends the Police Services Act to require an independent police complaints commissioner, appointed by the Lieutenant Governor in Council, to deal with complaints by members of the public about the conduct of police officers. The commissioner is independent of police forces and reports annually to the Attorney General. Any member of the public may make a complaint, whereas at present a member of the public may make a complaint only if directly affected by the subject matter of the complaint.

The bill also amends the act to reinstate the process for disciplining police officers that existed before the repeal of part V of the act as of November 27, 1997.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### ONTARIO ECONOMY

**Hon Janet Ecker (Minister of Finance):** I'm pleased to provide the Legislature and the people of Ontario with a report on Ontario's finances and the state of our provincial economy.

The Ontario economy is performing better than expected at the time of the June budget. Our economic growth and job creation are leading the average of G7 countries and the United States. The government's plan for a balanced budget this year, our fourth consecutive balanced budget, is on track. We're making the needed investments we promised in health care, education and the environment.

Here's the best news of all: since our government's first throne speech in 1995, the Ontario economy has created one million net new jobs. That represents more than 46% of all the jobs created in Canada over the past seven years.

Our government is keeping its promise to restore opportunity and prosperity to Ontario, but it hasn't been easy. My June budget noted that we were emerging from an economic slowdown that had negatively impacted our revenues. This year, I'm pleased to report that the performance of our economy is exceeding expectations. Despite ongoing challenges in the global economy, private sector forecasters now anticipate real economic growth of 3.5% this year, up from a consensus forecast of 3.2% in June.

This strong performance in the face of adversity did not happen by accident. In the first half of the 1990s, Ontario had one of the weakest economies in the industrialized world. High taxation, overregulation, huge deficits and spiralling debt came with a terrible price. When the recession hit in the early 1990s we fared much worse than our trading partners. Companies closed their Ontario plants first. Investment and jobs went elsewhere. By 1995, the welfare system was in crisis, with 1.3 million Ontarians relying on social assistance.

Our government addressed these challenges directly. We chose prosperity. Since 1995 the people of Ontario, and governments, led first by Mike Harris and now by Ernie Eves, have worked together to put this province back on track. By cutting taxes, balancing the budget and restoring prudent fiscal management we have positioned Ontario for growth and jobs. Ontario has truly gone from worst to first in its economic performance. Between 1985 and 1995 our real per capita GDP grew by only 6%, less than one third of the G7 average and only half the average of the other provinces. By contrast, since 1996 the per capita GDP has risen almost 17%, well above the average of the G7 countries and the United States. The recently released second quarter economic accounts show continued strong growth in real GDP of 4.4% at an annual rate following exceptionally strong growth in the first quarter.

We are also reducing the mortgage on our children's future, represented by the provincial debt. With a surplus of \$375 million for 2001-02, Ontario achieved three consecutive surpluses for the first time in nearly 100 years. Since we've turned the corner on deficits in 1999, our government has paid down \$4.5 billion of net provincial debts.

We continue to manage spending carefully. Since 1995-96, real program spending per person, excluding health and education, is down by close to 30%. As a result of getting our fiscal house in order, our credit rating has been upgraded three times in the past two years, and we've regained the ability to invest in those priorities that mean the most to our economic prosperity and our quality of life.

A growing economy and tax cuts have raised the average after-tax and after-inflation income of two-parent families with children from over \$57,000 in 1995 to over \$68,000 in 2000, a 19% increase. In the same period, single-parent families have seen a 33% increase, and more than 600,000 people have left welfare since our government took office in 1995.

Despite the strong gains we've made in growth and jobs so far this year, many uncertainties remain in the global economy as we move toward 2003. Ontario is not immune to external influences. Private sector economists have lowered their forecasts for real growth next year from an average of 4.3% last June to 3.5% today. This more cautious outlook reflects the fallout from the economic events of the past year coupled with many uncertainties on the horizon. World stock markets remain weak. Tension is high in the Middle East, and oil prices continue to be volatile. Prospects for the US economy remain unclear.

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At the same time, demands continue to grow for additional investments in priority programs. That's why we must remain committed to our prudent fiscal and economic plan. This government's strong record of lower taxes, smaller government and balanced budgets has encouraged business and consumer confidence in the past year, and it has helped keep the economy on a path of strong growth.

Lower taxes are central to our plan to increase the competitiveness and the productivity of our economy. We cut Ontario's personal income tax rate by 30% between 1996 and 1998, and subject to approval by the House, an additional 20% personal tax reduction will be fully in place in 2004. This year alone, a typical two-earner family of four with \$60,000 in net income pays over \$2,000 less in Ontario income tax.

Ontario's small business income tax rate was 9.5% in 1995, one of the highest in the country. We are bringing the rate down to 5.5% on January 1, and by 2005, it will be further reduced to 4%.

We have lowered the general corporate income tax rate from 15.5% in 1995 to 12.5% today. This rate would drop to 11% in 2004 and reach 8% in 2006.

Consumers are also benefiting from other tax cuts. For example, the retail sales tax on auto insurance premiums

has been cut from 5% to 2%, and it will be reduced to 1% next April and entirely eliminated in April 2004.

When you put it all together, Ontarians are now receiving a total of \$14 billion a year in tax relief. Sustained and long-term tax cuts are the engine that has helped the economy create one million net new jobs since 1995.

We will complete our current multi-year plan to make tax rates more competitive. We will outline additional steps in next year's budget. I look forward to the upcoming pre-budget consultations for advice on a new multi-year plan to ensure that Ontario's tax structure continues to drive increased economic growth and prosperity.

Ensuring that Ontarians receive the best health care in the world remains one of our highest priorities. This year alone, we have increased our commitment to health care by almost \$2 billion. Since 1995, our commitment has increased by \$8 billion, and these investments are paying off. Ontarians have more access to increased diagnostic services, improved cancer care, cardiac care, dialysis services and more nurse practitioners. More long-term-care beds are coming on stream.

But no province can indefinitely continue these kinds of increases to health care without additional support from the federal government. The recently released Romanow report recognizes this, but the solution that it proposes falls far short of what is required.

Over the years, the federal government has cut its share of health care spending from 50% to 14%. If Mr Romanow's recommendations are implemented, next year's federal contribution would represent only 16% of provincial health and social spending. His proposed \$15 billion over three years is almost \$5 billion less than the minimum need identified by the provinces.

The financing of health care is a long-term and growing challenge, particularly for provinces. The Conference Board of Canada forecast that health care spending will grow at an average rate of 5% over the next 20 years, far in excess of the projected average provincial revenue growth of 3%. In addition, federal surpluses are forecast to grow rapidly, while provinces continue to face huge challenges in balancing their budgets in the foreseeable future.

Ontario will continue to balance its budget and respond to our citizens' health care needs. Ottawa must pay its fair share, and it should not be making matters worse by attempting to claw back over \$1.3 billion from the province to cover mistakes that it made in calculating tax payments to this province.

Excellence in education is the key to opportunity for our young people. That's why we have put in place a new, more challenging curriculum, higher standards, and comprehensive testing to ensure our students are learning.

It's important that we support them with a funding formula that remains fair and equitable. To ensure that it does this, we have appointed Dr Mordechai Rozanski, president of the University of Guelph, to review the



formula. His report will be released shortly, and we are committed to addressing his recommendations within the government's fiscal plan.

Mr Speaker, as we committed in the June budget, we will also continue with our plan to invest in other priority areas that support our quality of life and our prosperity. These include a clean and safe environment; innovation for a more competitive economy; healthy and growing communities; and infrastructure investments in transportation, schools, hospitals, colleges and universities.

Ontario's economy is sound. The fundamentals our government has put in place—lower and more competitive taxes, balanced budgets, reduced debt and key investments—have set the stage for Ontario's turnaround. They have produced a period of outstanding job growth and economic prosperity that is unparalleled in our history. Our approach is helping this province withstand the challenges of a difficult world economy.

But we all know more needs to be done. We want more opportunities for our citizens. We want the Ontario economy to create even more jobs. With the pre-budget consultations about to begin, I look forward to hearing advice from members of this House, as well as the comments and suggestions of Ontarians from all walks of life, on how we can accomplish this.

**Mr Gerry Phillips (Scarborough-Agincourt):** I am pleased to respond. One of the great urban myths is that the Conservatives know how to manage finances. The first piece of evidence is yesterday's auditor's report. Nothing I could say could be more damning than the Provincial Auditor's report of yesterday, where he essentially said you're incompetent.

He said half the corporations in the province of Ontario aren't even filing their income tax return, let alone paying it.

He said you laid off 40 people and hired them back within days and paid them twice what you were paying them.

There are 10,000 people out there on arrest warrants and nothing is being done about it, and the minister said, "Well, that's not a problem. There are only 6,000; there aren't 10,000."

The negotiated deal with Accenture put a cap of \$180 million on it and you paid \$60 million more.

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I want to focus on the second shoe that dropped on your fiscal management today, and I want to point out several things to the people of Ontario about what I call the urban myth about the Conservatives being able to manage the finances.

The first thing I want to point out to the people of Ontario—it's on page 53—is that the only way this budget is balanced is with a fire sale of \$2 billion of our most treasured assets in the next four months; that's the only way. We saw this before. Premier Eves, then the Minister of Finance, sold the 407 in one of the worst deals for the public ever, on May 5, 1999, when the last election was called, and we see today that the only way these books are balanced is by selling \$2 billion worth of

prize assets in the next four months; otherwise, the books aren't balanced.

Second, I urge the public to turn to page 59. Since Mr Eves became Premier—he was then the finance minister—the debt of the province of Ontario has gone up more than \$21 billion. According to this document, it's now \$112 billion. On March 31, 1995, it was \$90 billion. Those are the numbers—almost a 25% increase in the debt of the province under Ernie Eves.

Two days ago, Mr Baird said, "Oh, it was immoral"—he used the word "immoral," referring to Mr Hampton—"to run up the debt \$21 billion." I would say to the people of Ontario, do you know how much you're paying in interest on the debt now? It's \$700 million more than when Premier Eves took over as Minister of Finance—\$700 million more in interest; again, on the books.

The prime interest rate in the province of Ontario in 1995 was 8.5%; it's now 4.5%. It has dropped almost in half, and we in Ontario today are paying \$700 million more interest on the debt. Since the Conservatives took over, the average household in Ontario has had \$5,000 in debt added to it by this \$22-billion increase in debt.

Again I say it is an urban myth that the Conservatives can manage the books. The auditor yesterday pointed it out, and this points it out today.

I hate to break the news to you on the job front—and I'm simply quoting the numbers from your economic table. The unemployment rate in the year 2000 was 5.7%; in 2001, 6.3%; and in 2002, 7.1%. I'm just saying to you that the unemployment rate is going up.

Standard and Poor's is the organization that rates our credit. In 1990 the province had a triple-A credit rating. It was downgraded three times. We still have a credit rating two points below the triple-A we used to have. It has been upgraded once, not three times as the minister said.

I say to the people of Ontario, don't listen to what they say; watch what they do. Watch the debt going up. Watch the auditor's report saying it's incompetence. It is an urban myth that these people know how to manage the finances of the province. Look at the facts of the matter here in this book.

*Interjections.*

**The Speaker (Hon Gary Carr):** Further responses? The leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** Speaker, I always listen with interest whenever the Minister of Finance—

*Interjections.*

**The Speaker:** I will allow the member to start over. We'll reset the clock at five minutes and make sure it's quiet when he begins, as he was quiet for the Minister of Finance and the critic for the Liberal Party as well.

Order. Come to order. It's now the turn of the leader of the third party for a response.

**Mr Hampton:** I'm always interested whenever the Minister of Finance stands to give a selective accounting of Ontario's economy, because I'm always interested in what she leaves out.

What did she leave out today? She left out the fact that Ontario's unemployment rate is increasing, that in this so-called era of prosperity for the government's consultants and corporate friends, there are more people unemployed this year than last year and more people unemployed last year than the year before.

I also look for some indication that after eight years of freezing the wages of the lowest-paid people in this province, people who work for minimum wage, the government might recognize some element of fairness and increase the wages of the lowest-paid people. But eight years after freezing the minimum wage at \$6.85 an hour, this government still boasts about more tax cuts for the well off, more tax cuts for its corporate friends, but is freezing the wages of the lowest-paid people. That tells us in a picture what's going on here.

We saw yesterday from the auditor's report: 40 people laid off in the Ministry of Public Safety and Security. They go out the door, and they come back in the door three days later as this government's private sector cronies and get paid more than twice as much. If you're a private sector crony, a corporate crony of this government, then there is no limit. But if you're one of the lowest-paid people in this province—and I think the Minister of Finance deserves to know that most of the people who work for minimum wage are women: women who are trying to support a family; women who are often working not at one minimum wage job but sometimes two or two and a half minimum wage jobs to make ends meet. This government thinks nothing of giving more loot, more tax cuts, more consulting contracts to your friends. Meanwhile, you attack the lowest paid.

Then there is the auto sector. Isn't it interesting that recently 23 mayors from southern Ontario communities came together to point out that after all this government's ballyhooing about tax cuts, we continue to lose in the auto sector; that the Ford truck plant in Oakville is headed for closure unless this government realizes that tax cuts aren't working and it has got to come forward with an auto policy; that the Chrysler van plant in Windsor is going to be closing unless this government recognizes that simply giving Chrysler and GM more tax cuts is not doing the job. And the auto parts sector points out that after you close the Chatham international plant, you lose tens of thousands of auto parts jobs as well.

Then there is the pulp and paper sector. The minister doesn't mention that we just had another closure in Sault Ste Marie; that recently the manager of the sawmill in Wawa came forward and said that deregulated hydro prices will put their mill out of business. Then we've had closure of a paper mill in Kenora, another 150 jobs, and Sturgeon Falls, where the company is going to close the mill and lay off 140 employees but is going to continue to run the hydro dam because, under this government's crazy set-up, you can make more money laying off the employees and simply selling the hydro power into the private market and watch the prices go to \$1,000 a megawatt hour. No jobs for people, no future for the community, but the corporate friends of this government do just fine.

Then there is this government's statement about hydro debt. It's so interesting to read the statement. It points out that in order to hide the high cost of privatized, deregulated hydro, this government is actually going to run up the hydro debt.

Then we have the other point: the government doesn't have a balanced budget but for the fact that it's going to sell off about half of Hydro One. What's this like? This is like a farmer who sells off a piece of his farm every year to temporarily impress his friends, without noting that two or three years down the road you don't have a farm any more. This government is selling off one of our strategic economic assets, our power system, and the whole of the economy, not to mention the consumers, is going to suffer as a result.

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#### VISITOR

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):**

On a point of order, Mr Speaker: I draw to your attention that my youngest and tallest daughter, Danielle, is sitting in the members' gallery.

**The Speaker (Hon Gary Carr):** We welcome our guest.

**Mr Howard Hampton (Kenora-Rainy River):** On a point of order, Mr Speaker: As you know, the Provincial Auditor is an officer of the Legislature. He reports to us as members of the Legislature. It has come to my attention that the Minister of Public Safety has called the auditor's report "inaccurate and misleading." An officer of this Legislature, according to a member of the crown, has been accused of being "inaccurate and misleading." He further made the inference that the Provincial Auditor was motivated by a political bias. When asked to be specific, he said: "I can't talk to what his motivations are."

I believe this is very offensive to this Legislature. I believe it is very offensive to the process we try to carry on here and to the examination we're here to conduct on behalf of the people of Ontario. I request that the Minister of Public Safety withdraw those remarks and apologize to an officer of this Legislature forthwith.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):**

On a point of order, Mr Speaker: I appreciate the point of order of the member of the third party, but I don't believe the member is in the House at this point in time. It becomes rather difficult to even talk, or speak or accommodate the member of the third party when he's not here. I beg your indulgence, Mr Speaker.

**The Speaker:** Thanks very much. The members will know that we can't ask a member to withdraw things that are said outside the House. We have enough trouble with what members say inside the House. There's nothing out of order. What members say outside the House cannot be policed by the Speaker of the House.

**Mr Hampton:** On a point of order, Mr Speaker: The member is now present. I repeat the request I made



earlier. If that is not the case, I ask you to consider whether or not contempt has been shown for this Legislature and an officer of this Legislature.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** On a point of privilege, Mr Speaker: I would ask the member opposite not only to withdraw, but to apologize. He's basing this on innuendo and rumour. I have never said such things, and I would ask him to apologize to all members of the House.

**The Speaker:** I thank the minister for his input. You will know that there are disagreements about what people say. Members can disagree on things and I certainly can't ask all members to withdraw when they disagree; otherwise, we'd never get anything done. But I thank all the members for trying to set the record straight.

## ORAL QUESTIONS

### GOVERNMENT ASSETS

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. We're now coming up to eight years of the Eves-Harris management of the province's finances. Today's fiscal statement shows that in order to balance the budget this year, you are going to have to sell off about \$2-billion worth of provincial assets over the next four months. That's the only way, I gather, that you can balance the books. My question to you is this: why, after almost eight years of managing the finances of this province, are we in a position where the only way the province's books can be balanced is by a fire sale of the province's assets?

**Hon Janet Ecker (Minister of Finance):** There are a number of forecasts and expenditure plans in the budget. The total picture gives us a balanced budget. We laid it out very clearly in June. We are following our plan. Job growth is up. Revenue is up. The take-home pay for our families is up. The budget will be balanced.

**Mr Phillips:** Again, I go back to the incompetence. The people of Ontario simply want an answer, Minister. You just presented a report here, that you were talking about selling off \$2 billion worth of the province's assets in a fire sale over the next four months. I simply want to know, on behalf of the people of Ontario, who have a right to an answer to this, how in the world is it that you and Mr Eves got the province into a position where the only way our books are going to be balanced is by a fire sale over the next four months of \$2 billion worth of the province's key assets?

**Hon Mrs Ecker:** Coming from a representative of a government that never balanced its books, I can appreciate that he might find this a bit of a different situation, because we're balancing ours.

The plan that we laid out in the June budget is very clear. We made revenue and expenditure forecasts. We talked about how we could go forward. We are following that plan to do what we said we would.

**Mr Phillips:** This kind of drivel, frankly—

### *Interjections.*

**Mr Phillips:** You just got up and presented to the people of Ontario a report. We, on behalf of the people of Ontario, are asking you a question about that report, and it is this. You said you are going to sell off a major chunk of our province's assets. You said yesterday you're going to sell off a major part of Hydro One. The auditor, in this report condemning the government, urged you caution in it. In fact, I would say he went further than that.

So on behalf of the people of Ontario, I want to know why you got us in the position where you've got us in a fire sale to sell off half of one of the most treasured assets in the province of Ontario, that being Hydro One. Why did you get us in a position where we've got to do this in a fire sale in the next four months to balance the books? I'd like an answer perhaps.

**Hon Mrs Ecker:** I appreciate that the honourable member doesn't agree with this government, but no one is parting with control of Hydro One. We've been very clear what the plan is. We recognize the need for a strategic partner. We've laid that out. The government will retain control of Hydro One as the people of Ontario asked us to do, but we need a strategic partner for the private sector discipline that that will bring, for the investment that will bring, to make sure that Hydro One can continue to be depended on by families in this province.

### GOVERNMENT CONSULTANTS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Premier.

Yesterday, Premier, the Provincial Auditor delivered a stinging indictment of your government. He exposed that when it comes to consulting contracts you're wasting literally hundreds of millions of dollars. In fact, he said that your government is bending and breaking its own rules when it comes to awarding those rather lucrative contracts.

The Provincial Auditor points to a number of untendered contracts that your government awarded. In some instances he says that they purposely broke up contracts into smaller parts to avoid having to go to public tender and the type of scrutiny that those tenders would yield. In effect you were avoiding or you were attempting to avoid complying with your own rules.

Now that the auditor has exposed this, will you do the right thing and release every single untendered contract your government has signed in the last seven years?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I believe the Chair of Management Board can respond directly.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** First of all, yesterday I indicated we welcomed the recommendations of the auditor. I also indicated yesterday that almost all, if not all of them by today, have those recommendations, have them implemented into the directives. We have the intention to make sure we follow his advice.

Having said that, I don't believe we've gone far enough. We've taken his recommendations. His recommendations are good, but I believe we need to do a more comprehensive review of the way the government does business. That's part of what we're doing now, and that's what we intend to do.

As I said yesterday with respect to these contracts, yes, there were some circumstances that had occurred. The auditor has pointed them out to us and we've taken all the steps we have to do to make sure this does not occur again in the future.

**Mr Duncan:** Minister, in the Common Sense Revolution, on page 3, you said you would do more with less. It turns out you're doing less but it's costing us more. On page 9 of that same document you complained about the NDP hiding the number of government workers by putting the vast majority of them on contract. That's a quote. You said that you would stop that, but in your government, staff quit one day and are hired back the next day at double and triple the cost. For example, when the Premier was Minister of Finance, Bev Hammond was given an \$84,702 consulting contract after she left his office.

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The auditor looked at consulting contracts in just six ministries. In every single ministry he found abuses totalling in the millions of dollars.

Will you now agree that a special audit needs to be done that includes every single ministry of your government? Will you agree that in order to find out how the Eves trough got so full, we need to have a full, independent, forensic audit of the consulting contracts of every single ministry?

**Hon Mr Tsubouchi:** I indicated yesterday that in addition to what we're doing in terms of reviewing the procurement and consulting areas, the government has now embarked on a tremendous exercise, called program review, to review everything in government. That has never been done before in a very comprehensive way.

I will tell you as well that not only do we take the auditor's recommendations to heart, but have implemented almost all of them and will implement all of them before the end of the year. We'll go further than that and take a very comprehensive look at the way government does all business. We intend to do this in any event.

Yesterday, when the leader of the opposition stood up—he's not here right now—he indicated that I shouldn't talk about their past record because it was the last millennium. I wonder whether that mean's he's saying people like Jim Bradley or Alvin Curling are dinosaurs, because they were around then, and I guess they survived that ice age. Yesterday he indicated many instances of the type of circumstance the people across are pointing out to us. What they were criticized for by the auditor in their day—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

Final supplementary?

**Mr Duncan:** This is the government that has sent in forensic auditors to look at school boards. This is a government that set up snitch lines on welfare recipients. In fact, the Provincial Auditor has pointed to some serious rot in your own government.

Let's look at some examples. Paul Rhodes was rewarded with \$248,142 worth of contracts. The person running your next election campaign got a contract from the Ministry of Finance for \$67,157.

While your cabinet ministers are out in the hallway feebly attempting to discredit Mr Peters, we think it's time to see some real action and close off the Eves trough. Will you now agree to table in this House every single untendered contract your government awarded in the last seven years, as well as all contracts awarded to former political advisers, whether tendered or untendered, in your government, and will you agree to a full, independent forensic audit of every ministry and its untendered contracts and documents, so there can be an honest, full and clear accounting of what I think, and what the auditor believes, is an abused process—

**The Speaker:** The member's time is up.

**Hon Mr Tsubouchi:** It's fairly ironic: yesterday I stood in my place quoting the auditor's report about some of the abuses that occurred, whether it was consultants being paid more than ministry staff or a consultant being paid more than ministry staff hired on a continuous basis or poorly defined cost of government. By the end of my statement and the quote from the auditor's report, they were quite surprised that the government I was talking about was the Peterson Liberal government.

You stand up there with a holier-than-thou view of life, but let me tell you what we've done. We've embraced what the auditor has said. We've accepted his recommendations; we've accepted them all in this area. We're moving forward with them, and in fact we're using that as a jumping-off point. We're going to implement more stringent rules, because we believe it's important to have accountability. That's what we're going to do—not what you did, which was nothing.

## HYDRO ONE

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Over the last two years, your government has sold off part of our hydro system, the Bruce nuclear station, to a British company that is now bankrupt and is allowed to operate only because of loans from the British government. Through hydro privatization and deregulation, we have seen hydro rates go through the roof in the province. Over the last two days, we've seen the Independent Market Operator issue warnings of an emergency regarding hydro supply. Now the auditor raises the point that selling off part of Hydro One is not a very good idea.

In view of all the things that have gone wrong with your strategy of hydro privatization, could you tell the people of Ontario why you want to continue on the course of selling off 49% of Hydro One?



**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** First of all, Bruce A is being brought back on stream, which never would have happened if somebody hadn't taken it over. Hydro rates in the province are guaranteed for consumers until at least 2006. He criticized the way Hydro One was being run every day in this House, stood up on his feet and screamed and yelled and said, "It's being run terribly." We are bringing some private sector discipline to that entity without parting with control of the entity. So I think he should be very happy today.

**Mr Hampton:** I want to talk about this private sector discipline. The only thing that's keeping British Energy and Bruce nuclear running is a government bailout. The only thing that is hiding the high cost of privatized, deregulated hydro is another government bailout. The only thing we got from the first move to privatize Hydro One was Eleanor Clitheroe's \$2.5-million salary, a \$6-million severance payout and a yacht. Is this what you refer to as private sector discipline, Premier, and if so, how does this help Ontario's hydro consumers?

**Hon Mr Eves:** No, exactly the opposite. That's why we have to bring private sector discipline to the entity. The government he talks about bailing out happens to be a Labour government in Great Britain. I'm not surprised.

**Mr Hampton:** I gather the Premier is thankful that a Labour government is throwing him a lifesaver.

The auditor's report is like a how-to guide for people who want to make big bucks off the government. This government handed a consultant a \$3-million SuperBuild consulting contract even though everybody else bid half that price. Then untold numbers of consultants were paid over and above the absolute ceiling for consultant payments. Get this: consulting rates went from \$725 a day in April to \$1,800 a day in May to \$2,600 a day in September. This is private sector discipline. Premier, is that the kind of private sector discipline you want to bring to Hydro One, by selling it to your corporate friends?

**Hon Mr Eves:** I don't know what this supplementary has to do with the previous two questions, but I'm sure the Minister of Finance can answer this different question that the leader has now posed.

**Hon Janet Ecker (Minister of Finance):** The auditor has pointed out that an inaccuracy occurred in one of the particular tendering processes. That has been corrected, as it should have been. In the meantime, we got great value on that particular project. The advice they gave us was very helpful, very useful, to successful completion of that project.

**The Speaker (Hon Gary Carr):** New question. The leader of the third party.

**Mr Hampton:** The auditor was very clear. On dozens of contracts you grossly overpaid, and in many cases you got private sector discipline that produced a product that was worthless, that was useless.

I want to go back to the Premier on this issue of hydro because, Premier, this is a strategic economic asset for the people of the province. What the auditor's report tells

us is that your so-called private sector discipline amounts to one rip-off of the public after another: overpayments, payments that were not—in effect, there was no request for proposals or there was no competition or people went out the door on Monday being paid \$40,000 a year and came back on Thursday as private sector consultants at twice the price.

1440

How does any of your experience in terms of wanting to move everything to the private sector help Ontario citizens, Ontario consumers, in terms of a strategic economic asset, their hydro system, Hydro One, which you now admit you want to sell?

**Hon Mr Eves:** Talking about privatizations and rip-offs, he was part of the Bob Rae government, whose plan to privatize Highway 407 was to ask for private sector bidders to build the highway. If they made hundreds of millions of dollars, they got to keep it, and if they lost hundreds of millions of dollars, Bob Rae was going to pay for it. Meanwhile, he was part of the cabinet who decided to fork out \$1.3 billion of taxpayers' money to build the highway so they could give it away, cover any losses that future prospective purchasers might have and allow them to keep all the profits. No wonder they don't like privatization. That's their idea of privatization: costing the taxpayers billions of dollars and giving away assets, and guaranteeing the losses of private sector companies. No wonder you have something against privatization. I agree with you that that is absolutely nuts.

**Mr Hampton:** Premier, you need to check the history books, because the person who gave away Highway 407 was none other than Ernie Eves, who sold it at a fire sale price, and the company that you sold it to waited a little over a year and then flipped it at three times the price. That's what you call a giveaway, Premier.

I want to take you back to Hydro, because you were the government that said that if you privatized our hydro system, which you intend to do with Hydro One, in effect the debt would go down. But, Premier, the auditor says that through your privatization scheme, while you've been manipulating this and doing that and trying to sell off this, Hydro's debt has gone up by \$700 million. In fact, in your own economic statement today you allude to the fact that Hydro's debt is going to go up even more because you're going to have to find some way to finance the cover-up, the rate caps which are designed to hide the high cost of privatized, deregulated electricity.

If you're forcing up the debt at Hydro by \$700 million already, and you admit in your own economic statement that you're going to force it up even more, how does this private sector discipline help the hard-pressed hydro consumers of Ontario? You're just loading more debt and more cost on to them. How does this private sector discipline help them?

**Hon Mr Eves:** A member of the New Democratic Party is probably the last person who should be standing in this House and talking about adding to debt. First of all, the Minister of Finance's statement today shows that the overall debt is down \$500 million. That's what it

shows. The reality is, as he knows, that OPG, in the rates they were charging and continue to charge to customers, have to set aside, and they have well over \$700 million set aside, to be paid out in rebates to consumers. That's what he wanted; that's what he's getting.

If he wants to go back to the Highway 407 example, he was one of the members who stood in this House and said we'd never get what your government put into it: \$1.3 billion. What we got was \$3.1 billion, plus another \$500 million to \$700 million in future improvements that they had to do. We got close to \$4 billion for an asset that he was going to give away. He was going to give away the \$1.3 billion, plus he was going to give away any future profits or future losses. We got \$4 billion for the taxpayers of Ontario to get the money back from the asset you wanted to give away, and we don't happen to believe that we should be in the toll highway business. You did.

### GOVERNMENT CONSULTANTS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question to the Chair of Management Board respecting Management Board directives and tendering. Minister, in the weeks leading up to Walkerton, the then-Minister of the Environment was Mr Dan Newman. Your government at the time brought in a consultant, Gord Haugh, on a contract to run Mr Newman's office. Mr Haugh was the same consultant who had been paid at an annualized rate of \$300,000 as Tony Clement's press secretary. He also ran your election tours in 1995 and 1999.

Yesterday we learned the price tag for Mr Haugh's two-month stay at the Ministry of the Environment. He was paid \$55,000 for two months' work. On an annualized basis, that's \$329,400. After yesterday's scathing report on the abuse of consulting contracts, do you believe your guidelines are serving the people of Ontario well?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I will reiterate the fact that we have brought in new directives that clearly and definitively follow the recommendations of the auditor.

You were asking about consulting services. Now, as opposed to in your day—and we'll get into that in a second, in response to your next part—we've included such sections as fully documenting the process for determining, first of all, the availability of internal ministry or government resources prior to going to consulting services. We are also looking for tag-on reports at the end of contracts that set out clear contractual obligations and that also ensure, in the event we bring in consultants who bring specialized knowledge to the government, that there is a transfer of that knowledge to our employees so we can then retain and use our government employees first, prior to using consultants.

This is clearly in our directives, which we've implemented now. We're taking the instructions and the recommendations of the auditor to heart. He clearly had

good suggestions. Governments prior to us didn't do things that way either, so be careful where you're going.

**Mr Duncan:** Well, it gets a little worse. When Mr Haugh was making the equivalent of more than \$300,000 a year, he was also running up quite the expense account. In just six days, Haugh billed taxpayers more than \$6,400 in expenses, including \$2,500 for hotels, \$600 for phone calls and \$2,783 for meals, including six bottles of wine.

I have in my hand a memorandum dated April 13, which is called an "Exception for sole-sourcing in the minister's office." This alleviates the minister and the department from any kind of process you've established. He was engaged for a two-month period to provide the following: communications advice to the minister, personnel screening, staff selection, media training, preparation for the opening of the House, question period and other events.

The question is: how is it that a consultant with a document that clearly exempts any kind of public accountability, any kind of accountability to your department, your responsibility—how can this happen, and will you now release all the untendered contracts that your government has entered into across all the ministries? That's the only way we'll get to the truth of all these matters.

**Hon Mr Tsubouchi:** Clearly we've taken further steps than the auditor was suggesting, but let's put some context to this. Sometimes when you read public accounts, it is interesting reading material. There are a number of public accounts from—let's see, the Ministry of Labour; Mr Sorbara was the minister then. Let me share with you some of these from the public accounts: ARA Consulting, \$158,000; Bay Consulting Group, \$32,000; Harry Waisglass Consultants Ltd, \$59,166; JB Marketing, \$75,000; McKim Advertising Ltd, \$113,000. This goes on and on, and these are only part of the ones that say "consultant" in here.

Clearly it was very important not only for us to bring in these rules and directives to comply with the recommendations the Provincial Auditor has given us, but we believe we have to go further than that. We've already gone to the point where we've got the implementation of the recommendations. We're going further now to a full consultation and review of the government rules to make them tougher and make sure they have the integrity that's required of government in the future.

### ONTARIO INNOVATION TRUST

**Mr Wayne Wettlaufer (Kitchener Centre):** I have a question for the Minister of Enterprise, Opportunity and Innovation. It is my understanding that your hard-working parliamentary assistant from the great riding of Nipissing, AL McDonald, recently announced funding of \$3 million to the University of Waterloo. Maybe it's because I've been away much of the time in the last little while, but I didn't realize this announcement was being made. I was wondering if you could tell this House what the funding will accomplish. Also, Minister, where is the money coming from?



**Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation):** This is about the Ontario Innovation Trust and a major investment at the University of Waterloo. The \$3-million investment will support the establishment of the Institute for Quantum Computing at the University of Waterloo. This is an important initiative for the university and one the government proudly supports.

*Interjection.*

**Hon Mr Flaherty:** The investment will enable the institute to set up a theoretical and experimental program to study the implications of quantum mechanics for information processing, which I know is a matter of great interest to the member opposite from Hamilton.

The funding came from the Ontario Innovation Trust. Since its creation in 1999, the trust has committed investments of \$50.8 million in infrastructure support for 86 research projects just in the Kitchener-Waterloo area. Funding partners have added \$77.9 million, for a total of \$128.6 million invested in research infrastructure. These investments in the Waterloo region underscore our commitment to research that drives our knowledge-based economy. This is essential for the future prosperity of all Ontarians.

1450

**Mr Wettlaufer:** It's pretty evident that this government is committed to investing in science, technology and innovation. The success of the University of Waterloo is very important to the people of Kitchener and Waterloo. The university employs many people in the area and the positive economic spinoffs from its success are felt throughout the region, not just direct employment but indirect employment in many facets of the region.

Minister, I am very happy to hear the government is supporting such an important initiative with the university. It is my understanding that since its creation in 1999, the Ontario Innovation Trust has helped many other research institutions around the province. I wonder if you could please inform the House of what else has been done to support innovation in Ontario.

**Hon Mr Flaherty:** I thank the member for Kitchener Centre for the question.

*Interjection.*

**Hon Mr Flaherty:** Since its creation in 1999—I know the member will want to hear this—the Ontario Innovation Trust has committed a total of \$654.6 million in 808 projects at more than 30 institutions throughout Ontario. These are universities, colleges, hospitals and research institutes. Including the Canada Foundation for Innovation money, this is an investment of more than \$1.1 billion in research infrastructure in Ontario.

The member opposite is right when he mentions the Provincial Auditor's concern. As a result of that, the board, which is an independent board of the trust, hired a consultant to ensure that the best practices and accountability were implemented by the OIT, as well as a requirement that the OIT fund be audited annually by an independent third party.

This is a major investment in research infrastructure, which is absolutely essentially in a knowledge-based economy—

**The Speaker (Hon Gary Carr):** Order. I'm afraid the minister's time is up.

#### MINISTER'S COMMENTS

**Mr Michael Bryant (St Paul's):** My question is to the Minister of Public Safety. The independence and the integrity of an officer of the Legislature, the Provincial Auditor, is a cornerstone, of our democracy and our system here in Ontario. Yesterday in the House you were quibbling with the numbers of the Auditor General. Outside the House apparently you said, and it is on tape, that the auditor's conclusions were misleading. This is a very serious allegation of a minister of the crown. I ask you to please clarify: are you impugning the integrity and the independence of the auditor general? If you are not, why are you questioning whether or not he misled the people of Ontario? Will you clarify this, Minister?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I indicated yesterday that the numbers indicated in the Provincial Auditor's report were not the numbers the ministry recovered by simply checking CPIC with respect to a response to the auditor's report. The auditor indicated, and he did it in his report, that he was using an estimate based on a visit to five probation and parole offices, and extrapolated, based on what he found in those five offices, that that was a situation that existed across the province. He used an estimate of 10,000 outstanding warrants; in reality, the number off CPIC was 5,900.

He also suggested there were a significant number of serious offenders with outstanding warrants that were not being pursued. In fact, once again, reviewing that, the number was 178. When you look at 65,000 to 70,000 individuals that probation and parole have to monitor on a daily basis, that's a very modest amount. I think we have something to be proud of rather than to be concerned about.

**Mr Bryant:** The minister wants to quibble with the numbers from the Provincial Auditor, but I think most Ontarians find it extremely chilling that there are thousands, literally, of sex offenders out there in the province who are supposed to be supervised by this government and who are in fact not getting the treatment needed to protect Ontarians from sex offenders. I would have thought that the minister would not be defending that kind of result.

The minister says, "It's only 5,900 outstanding warrants. It's only 178 of them that are serious." I would have thought that no government would tolerate anything less than zero tolerance when it comes to cracking down on dangerous criminals who breach their probation and parole orders.

The bad guys out there must be saying, "What's the point of meeting our probation and parole orders, because

the government of Ontario isn't going to do anything about it?" I would have thought that the minister would not defend even one of those bad guys being out there violating those parole orders. You may think that's OK; I say, the people of Ontario do not.

I ask you, Minister: are you really going to defend this record?

**Hon Mr Runciman:** Talk about scare tactics: the member is engaging in that exercise today. The reality is, if he wants to talk about parole boards, he should talk to his friends in the federal Liberal government. I think we have a lot to be proud of on this side with respect to the parole board—the significant decrease in releases through the parole board versus what was the case with the Liberal government and NDP government.

We have given additional money to the ROPE squad to pursue people who have outstanding warrants against them. Many of the 5,900 people are for technical breaches. The serious offenders are being pursued very actively.

With respect to sex offenders, if they're given a conditional release or put on probation, our hands are tied with respect to the decisions of the courts. If they do not mandate treatment, we are not in a position to offer it. In any event, they have the right to refuse.

So again, this is something of a red herring being reinforced by the Liberals in terms of their concern for law and order in this province. Their record does not support the fact that they really care. When they were in government they had very loose parole rules as a government. They did not have the numbers of police officers on a per capita—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

### SKILLS TRAINING

**Mr Norm Miller (Parry Sound-Muskoka):** My question is for the Minister of Training, Colleges and Universities. Minister, we all know that Ontario is the only place in Canada where the federal and provincial governments operate two separate training and employment systems. These are programs that help both unemployed and underemployed people receive training so they can make a greater contribution to the workforce. This is not an efficient use of taxpayer resources. It means confusion and duplication for people who need help entering the labour market in Ontario.

Some time ago, the federal government promised to sign a training agreement with Ontario to create a single, results-oriented system that would provide greater benefit to people who need training in our province. Minister, what is the status of negotiations on a labour market development agreement between Ontario and the federal government?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I'm happy to respond to this question. I think the people of Ontario should know that we

accepted the offer from the federal government in July of 2001. Despite this, the Minister of Human Resources Development Canada has told us that they do not intend to sign an LMDA for Ontario. Ontario is the only province or territory that has been denied an LMDA.

What does this mean? This means that people on employment insurance in Ontario do not have the kind of access to training programs that every other person who pays into the EI fund does across this great country. We need a training agreement in order to be competitive.

**1500**

Last night, members from the Liberal caucus and the NDP caucus attended the Canadian Manufacturers and Exporters' reception; they went there and smiled and acted like they knew nothing. They do know nothing. Why are you waiting? Because you think you could be the government, to ask the federal government to get this job done? Whom do you represent in this province, anyway? Get up there and get it done.

**Mr Miller:** I'm pleased to support the efforts of our government to secure a training agreement with the federal government to deliver more and better services to Ontarians.

Ontario is the economic engine of the country, as demonstrated by the finance minister's report today. It has the largest workforce and need for skilled workers. By supporting the workforce in Ontario, we are having a positive impact on the whole national economy. Some members of the federal government have claimed that two separate systems, federal and provincial, ensure a strong support for training in Ontario. I know that our government is increasing the resources it devotes to training programs, especially apprenticeship training for work in skilled trades. Minister, can you give us an update on the support that the federal government is providing to Ontario under the current system?

**Hon Mrs Cunningham:** It's really refreshing to have the member from Parry Sound-Muskoka care about people who have opportunities for training programs. It is so refreshing. None of you people care. You haven't done one thing to talk to your federal Liberal colleagues to get up there and talk to the Prime Minister. Not the minister; she has no authority. I will tell you right now. Listen to this: in 2001 HRDC had a budget of \$538 million for Ontario.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. It is getting too noisy in here. I don't want to have to get up again.

**Hon Mrs Cunningham:** The only reason they are screaming is that they think they'll be the government and then they'll do something. Give me a break. In 2000-01, Human Resources Development Canada had a budget of \$538 million in Ontario. They only spent \$380 million, which is a shortfall of \$150 million. Instead of this money going into apprenticeship training, it's going into kiosks. This is not a federal government, this is not a Liberal provincial government that gives a hoot about—

**The Speaker:** I'm afraid the minister's time is up.



## CANCER TREATMENT

**Ms Shelley Martel (Nickel Belt):** I have two questions to the Premier. On the same day that Roy Romanow was telling Canadians that there is no evidence that for-profit clinics provide cheaper or better care, your government extended the for-profit cancer treatment clinic at Sunnybrook for another six months. The decision was made behind closed doors at a meeting at Cancer Care Ontario. This is the second time you have renewed this contract, even though the Provincial Auditor has shown, first, that it costs \$500 more per patient for treatment than in the public system; second, the original contract was awarded without an open, competitive tender; and third, no effort has ever been made to see if this work could be done in the public system. Premier, it's time to cancel this for-profit contract and invest this money in the public cancer system. Will you do that?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The Minister of Health will respond directly.

**Hon Tony Clement (Minister of Health and Long-Term Care):** I welcome the opportunity to respond. In fact, the contract has been extended so that we can do precisely as the honourable member suggests and have competitive bids for the provision of the service. It's a simple extension of the contract until the bid process can go out, pursuant to the Provincial Auditor's request. It is another example of us heeding the advice of the Provincial Auditor and moving ahead with Cancer Care Ontario, with having a bidding process that we can all be proud of.

**Ms Martel:** The current contract isn't due to expire till February. Isn't it strange that it was renewed on the same day that Roy Romanow released his report? But there's no justification for continuing to pay for this for-profit provider. The minister will know that the president of CCO himself has already publicly said that there is not a crisis in cancer treatment. So why is there a need to continue with this for-profit clinic? I think your government is responding to a very questionable political lobby. We know that the Premier's special adviser on health, Ms Kristina Filmer, was registered as a lobbyist for this for-profit cancer clinic before she rejoined his staff. We also know that the for-profit clinic has been handing cancer patients a letter, as they leave after their cancer treatment, urging them to lobby the government to keep the clinic and their treatment going. I think that is a very questionable tactic by a health care provider. There is no need and there is no justification to continue funding this for-profit cancer treatment. Will you do the right thing now, cancel this contract and use this money in the public cancer system?

**Hon Mr Clement:** The reason this is quite humorous is because there has been an extensive letter campaign from Maude Barlow and all the assorted persons who are part of various left-wing causes. But I'm glad the honourable member mentioned letters, because I'd like to read into the record some excerpts from certain letters

from patients, which is what we care about on this side of the House, rather than the ideology of the other side.

One patient says, "It's time to express my appreciation for the fine work done by you and your staff at Canadian Radiation Oncology Services. Your clinic provides a valuable and much-needed service. Cancer patients are spared a protracted wait for treatment and are able to access radiation therapy in a timely and efficient way."

I could go on: "I'm writing to thank the CROS clinic." "Many thanks for making this clinic a place for help, resources and reassurance." "Thanks for making my problem"—which was to be able to have tests done and offer suggestions. "I wanted to thank you," and, "How much we appreciated the caring and efficiency"—

**The Speaker (Hon Gary Carr):** The minister's time is up.

## SERVICES FOR ABUSED WOMEN

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the minister responsible for women's issues. Today survivors of domestic violence, women and children from rural areas, join us. Many of these families here in the gallery above today are from Norfolk county. Women in rural areas face special barriers. They are a \$60 cab ride away from Ontario Works, which provides no transportation help and suspends payment if they miss one appointment. Other barriers include high rents, a result of no rent controls, and landlords unwilling to rent to women on welfare.

The provincial government used to assist women with these barriers by funding second-stage housing. You pulled that funding the minute you got into government in 1995. Second-stage housing gives families a year of affordable housing, security and much-needed on-site counselling, after being in emergency shelters.

Jennifer is here today. She voluntarily gave her children up to children's aid so that she can find affordable housing. Minister, will you do the right thing and reinstate funding for second-stage housing and give these rural women and their children a second chance to a secure life?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** This is a question about affordable housing, so I'll give the question to the Minister of Community, Family and Children's Services.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way. She presents a question that has a number of different facets to it, so it is very difficult for us to know how to answer that. She's talking about a number of things. I think the focus of her question is women who are fleeing domestic violence situations, and I think on all sides of the House, if we're talking about a situation where women have to flee their homes with their children in fear for their lives, then we all agree that we must do what we can to help those people.

Our commitment on this side of the House is unequivocal. We spend about \$160 million across a variety of ministries, trying to find ways to provide programs to help these individuals who are in desperate need in a desperate time in their lives. Whether it's through shelters, through counselling programs, through 24-hour help lines, we try very hard to provide the kinds of services that will help them when they need it at a critical time.

**Mrs Bountrogianni:** My supplementary is for the minister responsible for women's issues. My question is on second-stage housing. Let me tell you what these women told me today. "Many of us had to relocate in order to be safe." One of them said, "I live on a bowl of bran cereal every day so that I can feed my kids. It kills me to tell my children that there's nothing to eat when they're hungry." Jennifer said, "I had to give my kids up so that I'd know they could eat."

Imagine, in the year 2002, giving up your children so that they can eat. Most of us are parents here. The women ask in desperation, Minister, "What do people like us do? What will happen to us?"

1510

Don't insult them by referring the question. I want you to answer this question. You are the minister involved. Shelters are much needed, yes, but they are a short-term emergency respite. Last year the Provincial Auditor found that 1,000 women were turned away from one shelter alone. This is where second-stage housing kicks in. This is what you cut in 1995 totally, and I'm proud to say that under a Dalton McGuinty government we would reinstate second-stage housing.

The women from rural Ontario are here to ask you, Minister Cunningham, "Will you reinstate second-stage funding?" They're here to ask you, "What will happen to us?"

**Hon Mrs Elliott:** Because municipalities know better what kind of housing will work in their communities, the kind of second-stage housing my colleague across the way is referring to—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order, order. Stop the clock, please.

*Interruption.*

**The Speaker:** We've removed everybody from that side because I don't know who's a part of it. I would ask the co-operation from those who are remaining. I have allowed some people to stay. It's very difficult to know who is part of a group when we throw them out. I would ask for your co-operation if you do stay. Obviously, you know that you won't be able to shout out, and I hope the members who remain will adhere to the rules.

It is the minister's turn to respond.

**Hon Mrs Elliott:** I think this speaks to the concern that we all have in trying to find solutions to some of these very complex and troubling problems.

Second-stage housing is the responsibility of the municipalities. We've put in an additional \$4 million to try and assist with that. We have increased the number of

rent supplement units for abused women, and of course in each of our ridings those women who find themselves in an abusive situation have priority for the existing social housing.

On a different note, I guess, what are we doing to assist women who find themselves in the situation of welfare? When I travelled this summer I spoke to a number of women whose marriages have broken up or who have found themselves in difficult situations and are trying to make it on their own. I talked to them about how the welfare situation was helping them. What I can report to this House is that those women said to me that our changing the welfare system from just a cheque, a deadend of ongoing dependency, transforming that into an opportunity to learn new skills, to get a job, to find income, to stand on their own two feet, was the best thing that we could do for them. Our welfare transformations were working for them and, more important, for their families.

## LEGAL SERVICES

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Attorney General. Minister, you recently introduced legislation to regulate the use of contingency fee agreements. You and I both know that for many working families, affording a lawyer can be very, very difficult. The costs associated with starting a civil action can be very discouraging.

Access to justice is particularly crucial because the courts of the province play an important role in resolving disputes. What improvements would this legislation provide for access to justice and, in particular, to families with very modest incomes?

**Hon David Young (Attorney General, minister responsible for native affairs):** I appreciate my colleague from Simcoe North raising this very important issue. Indeed, I think the greatest single challenge that we have in this problem in relation to the justice system is one of access. That's why the Ernie Eves government came forward and tabled a piece of legislation that includes regulation of contingency fee arrangements, and, what that will allow is for individuals to enter into contractual arrangements with lawyers to ensure that they don't have to pay anything until there is a resolution of the case that results in money coming to them.

We recently had the opportunity to read the decision that was rendered in September of this year by Justice O'Connor. Obviously, shortly after he rendered his decision, we began to study it, and in accordance with the direction from Justice O'Connor, we are now in a position to move into this area and to regulate this important field.

Justice O'Connor clearly said that contingency fees were legal. It's now our obligation as a government to ensure that proper regulation is in place.

**Mr Dunlop:** Minister, one of the key parts of the contingency fee system is the cap that will be set on payments. It's important that the system balance the



rights of the lawyers to be paid for their services with the interests of the clients. We must make sure that no one can be exploited in any unscrupulous conduct.

What steps will you take to make sure that the system we put in place is fair to our clients and also to protect the interests of the consumer?

**Hon Mr Young:** Certainly it's very important that the government become involved at this point in time, and we certainly don't want to have a situation where lawyers across this province can enter into situations where they receive multi-million-dollar sets of costs and the injured party, the individual who has experienced damages, is not in receipt of the money that they are entitled to.

I will say to you that most lawyers operate in a most professional fashion, but I think it is incumbent upon this government to ensure that we have a system in place, we have rules in place, to avoid any difficulties. There are a number of ways we can do that, and this legislation will allow us to proceed forward either by way of a straight flat cap that would apply to all damages and then the lawyer for the injured party would just get a portion of that, or alternatively we could have a sliding scale or we could have some wording ensuring a fair and reasonable outcome that the judiciary would ultimately interpret.

#### DAIRY INDUSTRY

**Mr Steve Peters (Elgin-Middlesex-London):** My question is for the Premier. I have a copy of a letter written by former Agriculture Minister Coburn to Gord Coukell, chair of the Dairy Farmers of Ontario, dated December 5, 2001, a year ago tomorrow, during this government's foolish attempt to ram through a repeal of the Edible Oil Products Act. The letter reads, "I, the Minister of Agriculture, Food and Rural Affairs, am willing to submit to you today that in order to ensure the proper safeguards are in place, it is my intention to amend Bill 87 at the earliest possible date to remove reference to the June 2003 repeal of the Edible Oil Products Act."

The letter is clear. The deadline must be amended out of that legislation, the former minister states, "at the earliest possible date." We sat through an entire spring session and now we're in the last days of the fall session, Premier, and nothing has been done. Your Minister of Agriculture has sat on this.

The question here is simple: when exactly do you intend to make good on the commitment to the Dairy Farmers of Ontario?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The minister responsible for rural affairs can respond.

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** In response, the Minister of Agriculture and Food is certainly aware of this situation and is working with the stakeholders, the dairy farmers and the other stakeholders in this particular situation and is working toward a solution on it.

**Mr Peters:** Mr Speaker, my question was for the Premier, and certainly the minister of rural affairs has been hived off from agriculture so it troubles me to understand that.

Mr Premier, supply management has provided this province with the safest and most nutritious milk supply in the world and your government's foot-dragging is jeopardizing that. Without delay Ontario would become the black hole of North America for non-regulated blended products.

I have another letter, this one written by your current Minister of Agriculture just two weeks ago, regarding your government's commitment to supply management and I quote, "Nonetheless, it is important that supply management commodities continue to evolve in order to respond to the changing environment in which they operate." What is that, Premier? Do you have qualified support for supply management? What evolution is the ministry talking about? The Dairy Farmers of Ontario are here today, and I'm sure they'd love to hear your answer. Poultry, eggs and tobacco would be fascinated as well.

1520

What is your secret agenda for supply management? First you fail to honour your commitment to the Dairy Farmers of Ontario and now your support for supply management comes with a codicil. Premier, what is going on here?

**Hon Mr Coburn:** Certainly our government has an outstanding record in terms of consulting with our rural stakeholders, the Dairy Farmers of Ontario and other rural stakeholders. It's a very important part of our economy here in Ontario.

We are currently conducting extensive consultations. For example, on the Nutrient Management Act, we have had and are continuing consultation with the Dairy Farmers of Ontario with respect to the edible oils act and food safety. These are ongoing consultations, and the Ministry of Ag and Food is conducting those, and we'll work with them toward an appropriate solution.

#### ALTERNATIVE ENERGY SOURCES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question is for the Minister of Energy. Minister, can you please tell my constituents in Bramalea-Gore-Malton-Springdale and other Ontarians what our government is doing to promote clean and green energy in Ontario?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** We established an all-party committee of this House, the select committee on alternative fuel sources, chaired by my colleague the member for Northumberland, Doug Galt, where a good number of members from all parties came together to look at suggestions and recommendations on how our province could promote clean, green energy. Many thought these recommendations would gather dust. I can say that over the past month and a half this government has been working tremendously hard to

implement those initiatives. We appointed Ontario's first Commissioner of Alternative Energy, Steve Gilchrist. Steve will work very closely not just with the Minister of Energy but with the Minister of the Environment and his staff and the Premier's staff as well.

We're also bringing in a whole series of initiatives to promote solar power and wind power. I was very pleased to be in Bruce county with my colleague Helen Johns to open the first commercial wind farm in Ontario, which is good news. I was pleased to see my colleague Steve Gilchrist open another one.

**Mr Gill:** Thank you, Minister, for your response. Our government's action plan to lower and freeze the price of electricity and to create standardized billing is great news for Ontarians.

Can you please provide us insight into why every member of the opposition stood in their place yesterday and voted against giving speedy passage to the government's legislation, legislation which will bring financial relief to seniors, businesses and millions of people in Ontario?

**Hon Mr Baird:** I too shared the surprise that the member from Bramalea-Gore-Malton-Springdale had when we saw all the Liberal opposition members try to delay passage of this bill. As the public will know, this House is adjourning for Christmas and for the holidays in a few short days, and some want to sit here while hydro customers are concerned about their families and their futures and debate and debate and debate. We want to provide relief to that farmer; we want to provide relief to that small business; we want to provide relief to the auto workers in St Catharines. That's why, on a bill every member of the official opposition says they support and want to pass, it's important that we have a vote and get on with providing some relief to the hard-working citizens and people of Ontario. They're supporting the action plan to lower hydro bills, and they want to see it brought into law.

#### HIGHWAY MAINTENANCE

**Mr Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Northern Development and Mines. You know that the situation on our highways in northern Ontario is not getting any better. In fact, this last weekend 180 kilometres on Highway 11, from Smooth Rock to Hearst, were closed. Why? Because the private sector contractors couldn't put salt on the road. Minister, are you going to finally admit that your privatization scheme ain't worth the salt—

**The Speaker (Hon Gary Carr):** Minister.

**Hon Jim Wilson (Minister of Northern Development and Mines):** I think when we made a move to make government more efficient in that area we certainly improved the standards that had existed before. If the Minister of Transportation were here, he would indicate to the honourable member that very good standards are in place—in fact, some of the best in the world—with respect to snow removal and de-icing. In fact, this year

we're doing pilot projects in the honourable member's part of the province with even newer technology, which we hope will make our winter road conditions even safer for drivers in this province.

**Mr Bisson:** Minister, we're not feeling any better in northern Ontario, because every time you take your car out on Highway 11 or any of the provincial highways it's the same story: the road is closed by the OPP. Why? Because the private snowplows are either not clearing the snow off the roads or they're not dropping the salt on the highways.

I asked a question of the Chair of Management Board last year with regard to the question of the privatization of contracts for highway maintenance, and the response I got from the minister of the day was that if there wasn't a saving for the taxpayers, they wouldn't go ahead with the privatization of winter road maintenance. The auditor says you haven't saved money. Will you finally admit this is a question of you not doing better with less, but us getting less because you're giving the private sector more?

**Hon Mr Wilson:** Regardless of who's delivering the service, as the honourable member knows, standards are in place. They're world-class standards and we're very proud of them. In fact, we've spent over \$1.6 billion on improving highways in northern Ontario since this government came to office in 1995, an absolute record for any government in the history of this province. We don't need any lectures from the honourable member about improving highways, road conditions and safety in northern Ontario. In spite of an \$11.7-billion deficit in their last year, and several multi-billion-dollar deficits in the fiscal years prior to that when they were in government, they didn't do anything to improve northern Ontario highways.

#### NOTICE OF DISSATISFACTION

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Speaker: I wish to express my dissatisfaction with the answer that was provided to my oral question. Under 37(a) of the standing orders, I have filed my dissatisfaction, for a late show.

**The Speaker (Hon Gary Carr):** I thank the member. The member will know he needs to file it with the table.

#### PETITIONS

##### JUSTICES OF THE PEACE

**Mr Michael Gravelle (Thunder Bay-Superior North):** One of the great frustrations to the people of Marathon and the area is the fact that the Attorney General has not appointed a full-time justice of the peace to replace the ones that were let go more than eight years ago. I have a petition signed by 379 people in Marathon, one tenth of the population, related to this issue:



"To the Legislative Assembly of Ontario:

"Whereas the town of Marathon does not have a justice of the peace to serve our community and Heron Bay;

"Whereas Marathon used to have two justices living here; however, they retired in 1995, and were never replaced;

"Whereas Marathon and Heron Bay residents are now forced to travel to Manitowadge or Thunder Bay to acquire the services of a justice of the peace. This is unacceptable and unfair;

"Therefore, we want the Ontario government to appoint a justice or several justices of the peace in Marathon."

I am grateful to Rose Marie Comeau for putting this together. I am very pleased to add my name to the petition and ask the Attorney General to move quickly in this regard.

### CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have a petition to the Legislative Assembly from the Welland campus of Niagara College and also from E. Marks of Toronto. It reads as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care, by providing capital funds to expand existing child care centres and build new ones, by providing proxy pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I have affixed my signature to it.

### HYDRO RATES

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the province of Ontario has experienced record levels of electrical consumption this summer, along with lower than expected generating capacity to meet the demand; and

"Whereas this has resulted in higher electrical bills for Ontario consumers; and

"Whereas short-term spikes in the cost of power are a particular hardship to persons on fixed incomes and a detriment to business in Ontario;

"Therefore we, the undersigned, request that the government of Ontario act immediately to develop a plan for protecting consumers against excessive short-term increases in the cost of electricity. We further request that the government of Ontario also review the impact of charges other than wholesale electrical rates, including the goods and services tax (GST) and the debt reduction charges appearing on electricity bills of Ontario consumers."

### COMPETITIVE ELECTRICITY MARKET

**Mr Tony Ruprecht (Davenport):** I keep getting petitions about the ever-increasing hydro rates. I'll read this petition to you, Mr Speaker:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1, 2002; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the ... Eves government appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

Since I agree with this petition, I'm signing my name to it.

**1530**

**Ms Shelley Martel (Nickel Belt):** I have petitions that read as follows:

"To the Ontario Legislature:

"Whereas the Harris government's plan to privatize and deregulate Ontario's electricity system will lead to higher rates because private owners will sell more power to US customers whose rates are typically 50% higher than Ontario's; and

"Whereas selling coal plants like Nanticoke to the private sector will lead to more pollution because the private owners will run the plants at full capacity to earn a profit; and

"Whereas electricity deregulation in California has led to sky-high rates and blackouts; and

"Whereas Ontario needs a system of public power that will ensure rate stability, environmental protection and secure access to power;

"Therefore, be it resolved that the undersigned call on the government to scrap electricity deregulation and privatization and bring in a system of accountable public power. The first priority for such a public power system must be incentives for energy conservation and green power. Electricity rates and major energy projects must be subject to full public hearings and binding rulings by a public regulator instead of leaving energy rates to private profit."

I agree with the petitioners, and I've affixed my signature to this.

#### CAT SCANNER

**Mr Ernie Hardeman (Oxford):** This petition is to the Legislative Assembly of Ontario.

"We, the undersigned, request approval for installation of a CAT scanner at the Woodstock General Hospital. It is an essential piece of equipment for the practice of modern medicine. The arrangements to go to London for a CAT scan are unsatisfactory, cumbersome and cause unnecessary delay. It is standard equipment for a hospital of this size in North America. All counties in southwestern Ontario have at least one CAT scanner except Oxford county."

It's signed by a great number of my constituents who live in Woodstock and the surrounding area, and I sign this petition along with them because I believe it's the right thing to do.

#### HYDRO RATES

**Mr James J. Bradley (St Catharines):** This petition is addressed to the Legislative Assembly of Ontario.

"The following signatures are signatures of complaint in regard to the severe and drastic increases in the hydro bills of customers in St Catharines and the surrounding area. Such increases have been difficult for seniors, people on fixed incomes, disability pensions, and low and middle incomes. As well, it is not our responsibility to assume Ontario Hydro debt. We pay while big corporations get breaks.

"If such unrealistic increases continue to occur, average people will become increasingly irate, if they have not already, and find it difficult to maintain normal, happy homes, let alone people in restricted situations.

"As citizens of Ontario, this is our opportunity for our voices to be united and heard in opposition to these unrealistic increases."

I affix my signature. I'm in complete agreement.

#### COMPETITIVE ELECTRICITY MARKET

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I have a petition that carries over 2,500 signatures of people dissatisfied about electricity deregulation, which brings it up to 9,037 signatures.

"To the Legislative Assembly of Ontario:

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002, in the province of Ontario without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

"Whereas the price of the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

"Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per kilowatt hour; and

"Whereas competition in the electricity market has been scared off by the uncertainty of the Harris-Eves government's attempts to sell off a portion of Hydro One, leaving electricity commodity prices high; and

"Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum to be paid to the former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario, and that the Conservative government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

I also affix my signature.

**Mr Pat Hoy (Chatham-Kent Essex):** I have received thousands upon thousands of signatures. I continue to read this petition in the Legislature.

"To the Legislative Assembly of Ontario:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas the Conservative government of Ontario has done very little to address key issues such as energy supply, which forces the province to import power and causes the price of electricity to skyrocket; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the government of Ontario has saddled the population of Ontario with additional debt reduction charges, which further increase the amount that the citizens of Ontario have to pay per kilowatt hour, yet the Hydro debt continues to increase; and

"Whereas the Mike Harris-Ernie Eves governments appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;



"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

This is signed by many good persons from places across my riding such as Blenheim, Thamesville, Dresden, Chatham, Merlin and Highgate. I too have signed this important petition.

#### HYDRO RATES

**Mr John Gerretsen (Kingston and the Islands):** I have petitions signed by people from Milton, Mountainview and Brampton, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes on to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

It has been signed. I totally agree with it and will sign it as well, and I'll hand it over to our page, Evan, here.

1540

#### NATURAL GAS RATES

**Mr Pat Hoy (Chatham-Kent Essex):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system

operation costs that occurred during the winter of 2000-01, totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, be it resolved we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

This is signed by hundreds of residents from areas such as Merlin, Cedar Springs, Chatham, Blenheim and Ridgeway. I too have signed this petition.

#### LONG-TERM CARE

**Mr David Caplan (Don Valley East):** I have a petition here from residents of Don Valley East to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 per month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on the government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funding by at least \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan;" and that would be back in 1999, "and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I wholeheartedly agree with this petition and I have affixed my name to it.

## ORDERS OF THE DAY

### TIME ALLOCATION

**Hon Tim Hudak (Minister of Consumer and Business Services):** The motion reads that, pursuant to Standing Order 46 and notwithstanding any other standing order or special order of the House relating to Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes, when Bill 209 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment; at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Acting Speaker (Mr Michael A. Brown):** Mr Hudak has moved government notice of motion number 80. Minister?

*Applause.*

**Hon Mr Hudak:** Thank you, Mr Speaker, and I thank my colleagues for their adulation and their applause—

**Interjection:** Colleague.

**Hon Mr Hudak:** OK, colleague—on this motion.

I'm very pleased to speak on the motion with respect to Bill 209, also known as the Funeral, Burial and Cremation Services Act, 2002. I had the pleasure to speak on this bill on first and second readings. I will add some thoughts on the debate I've heard to date on this legislation and give an indication of why I, as the minister responsible for the bill and as an MPP, feel it's important to move forward expeditiously on Bill 209 to ensure that the next steps can be taken for consumer protection in this area and, finally, I would argue, to modernize legislation that is practically 100 years old. It was almost a century ago when this legislation was first written. At the latest stage—it has been on and off over decades—the latest discussions have been in the works for a number of years.

You could say with a grain of fact to it that some of the staff in the ministry who have worked on this bill are getting near retirement, they have been working on this bill for so long. I know there have been four ministers—I'm the fourth—in this government who have worked on Bill 209, in the run-up to the bill, the consultations, the

policy decisions, and now in its form, Bill 209. That's just this government. I know previous governments attempted to deal with this legislation. There were some changes in 1989 or 1990, but no substantial reform in this sector for 90 to 100 years, despite the fact that in reality cultural practices, preferences, the cultural face of Ontario have changed substantially from a century ago.

As well, there has been throughout that time a great deal of discussion, not only in government circles but among people who are interested, who have a business interest, a personal interest, or from the point of view of the consumer, a consumer protection interest in this industry. This consultation, in a more intensive form, has been happening over the last couple of years, culminating in the Bereavement Sector Advisory Committee, aka BSAC, report submitted to Minister Sterling not too long ago, the principles of which form the basis for Bill 209 that we have in the Legislature today.

I want to not only talk about the importance of the bill and the timeliness with moving forward to the next step, but to respond to some of the comments people have made with respect to Bill 209. I want to point out that this is not a partisan bill. It's not something where I was sitting in my office one day daydreaming of the bereavement sector and thought I should move forward with this type of legislation.

The work on this bill had started long before my time. The point I am making is that it was not a partisan bill or an election campaign item. I don't recall it being part of a campaign. It was something that was made by the industry themselves in consultation with the consumer sector. You want to make sure. The Stewart family, for example, want to be assured of Will's future, that Will will have options when he is making those plans. Will is a young fellow, but we all have to be realistic that the time comes for all of us, and we need to know that we have the consumer protections in place for our loved ones who live beyond us, or that we make the decisions ourselves ahead of time in some sort of planning.

We want to make sure that the consumer protections are in place, that decisions are made with as clear a head as possible, and also that the legislation is modernized so it can reflect the realities of today and the choices we all can make.

A bit of background: it began in the more concentrated form in 1998 when Minister Tsubouchi asked the Red Tape Commission to consult and come up with some policy options. That was done with members of funeral home businesses, small and large cemeteries, I have mentioned consumers, monument builders, casket makers, transfer agencies—those industries that are involved in the bereavement sector.

The Red Tape Commission made some recommendations that were used for further consultations. My predecessor Norm Sterling I think deserves a lot of credit for the developments that have taken place. In 2001, Mr Sterling was the minister who established the Bereavement Sector Advisory Committee, the BSAC committee that I mentioned a bit earlier, a group with representation



from all the participants in the sector and, importantly, with the consumer voice being there at the table to act on behalf on those who are going to be using the service at some time in their lives.

An important ingredient for success was the presence and the leadership of esteemed Justice George Adams. Justice Adams's expertise and skills helped to develop a consensus around that large table that had chairs assigned to the various individuals in the sector and to consumer groups to reach a consensus on a number of the principles. In fact, all 18 of the BSAC principles have been embraced in Bill 201.

1550

Interestingly, I want to point out to members of the House that of the 18 recommendations, fully 17, or 94%, deal with consumer protection. So we can say, I think very fairly, that this bill, pure and simple, deals with consumer protection issues in embracing those BSAC principles that have been recommended.

The fact of the matter is that while it's often something we don't think about, bereavement services are one of the biggest purchases that individuals will ever have to make in their lives. There are auto purchases and home purchases, but often for the average Ontario family, bereavement services are in the top five single items or services they purchase. In fact, the average funeral cost in Ontario today, according to our figures, is about \$5,700, so a substantial amount of funds are invested to see off a loved one.

I think there are differences here. While a funeral may not be as expensive as buying a car or a home, one important difference is the uniqueness of the situation, the vulnerability of the consumer at this very delicate time in their life. Even a normally cautious or skeptical consumer can become confused or rush to judgment when making decisions in a very emotional period of time.

When you're purchasing a car or a home, you tend to take the time to shop around and check out the options—to kick the tires. Sadly, often when dealing with the bereavement sector, if planning has not been done ahead, you need to make the decision in a relatively short period of time when you're in a very difficult emotional state. That's why the consumer protection mandate is so important in this bill and is something we want to make sure is prominent in the communications down the road as this bill rolls out, if passed by the assembly. We believe it's vital for consumers to have very clear information on what their options are and what their protections are as well, and how to utilize the rights that are in the bill, if passed.

I'll give you a few examples. Under Bill 209, if passed, operators would have to maintain standardized price lists and make them available in accordance with the regulations in the bill. For example, under the possible regulations, licensed operators would be prohibited from charging more than the price on the price list. So consumers would have that list up front, and if they wanted to choose a budget route or a more

expensive route, or if they are making a pre-planning decision, they would have clearly laid out in front of them the options that are available in a standardized price format.

Regulations also could require a very easy-to-understand informational brochure. Having communication material on hand when making that decision is an important part of the consumer protection initiatives in this bill. To give you an example of what the brochure could contain, it would list consumers' rights and obligations, and the obligations of the funeral home, the cemetery etc.

An important idea as well is a toll-free number to contact the provincial regulator, so that consumers can call if they are not sure they are getting a square deal. If they are not sure they have been given full information, they could virtually have the provincial regulator there at the table with them to make sure they are being dealt with in a forthright manner.

I believe, from those I've met who work in this sector, that the vast majority are hard-working, legitimate operators who care about their clients and do a good job in their communities, whether it's in Ridgeway or Vineland or Manitoulin. At the same time, we do receive concerns from time to time about consumers who are not dealt with in a fair manner. That's why these types of consumer protections are important, especially at such a sensitive time in their lives.

Other important BSAC recommendations of the 17 of 18 on the consumer protection side are the 30-day cooling-off period, trusting requirements and compensation fund as well.

This bill, if passed, would provide a 30-day cooling-off period where consumers could cancel the contract if, for example, they changed their mind about a prepaid package, or what have you, before that is used. Such a cooling-off period is common in consumer protection legislation currently before the assembly. Bill 180 also envisions a cooling-off period, especially for high-pressure sales. So as part of a consumer protection package coming from the Ernie Eves government, those two pieces work hand in hand in terms of a cooling-off period if you feel you are a victim of high-pressure sales, to take sober second thought, to take a step back and say, "I've re-evaluated my decision. I've spoken with my friends; I've spoken with an adviser. I've changed my mind." This would give them 30 days in which to do so and to make sure they got the deal they intended, just like it would work in Bill 180, consumer protection, if advanced.

I'll give you another example. This bill, if passed, will provide protection for consumers in the event of a bankruptcy of a funeral home, cemetery, monument retailer etc.—basically, any licensee under the act—because it would ensure that all the prepaid money would be held in trust. So if you made that investment, if you bought a prepaid package, for example, or a grave plot or what have you, and that business was no longer in business, went bankrupt, the compensation fund and trusting requirements would ensure that you would not be out of pocket on such a substantial investment.

A cross-industry compensation fund would also be established to help consumers who paid for services but who did not receive them. Currently, that exists in the funeral sector act, but as I've said before in this House, there are two separate pieces of legislation. It doesn't exist in the other sectors that form part of bereavement services. This legislation, if passed, would ensure that that type of compensation fund, that consumer protection initiative, would apply whether you're at a funeral home, a cemetery, or buying a casket, a monument etc.

Not to belabour the point, but I do think it important: all of these consumer protection regulations came out of that BSAC process—a credit to those in the industry who were part of that panel because they themselves are helping to raise the standards of the industry right across the board.

Consumer choice: there is an interesting article that many of us may have seen in the *Globe and Mail* last weekend, where journalist Jan Wong noted that the baby boomers are—this is her quote—“beginning to redecorate life's departure lounge.”

*Interjections.*

**The Acting Speaker:** Order. There's way too much noise back behind the chair here. Minister.

**Hon Mr Hudak:** Thank you, Mr Speaker. I appreciate that.

Anyway, I've spoken quite often about the importance of the consumer protection aspects and consumer choice part of that as well. That's why I think it important that this legislation should be passed by the assembly. I hope we do have that. We need to move on to the next phase of the bill, which is working in a similarly consultative process with those who work in the community, the faith-based churches and cemeteries and such, as well as consumers, seniors' groups etc, to make sure that in doing the regulations and building the industry for the future a similarly sensitive and consultative approach is used. That's been the success, finally, after many, many years to get the legislation in the House, and I look forward as minister, if this is passed, to the opportunity to continue that on the regulation side and help set up this industry acting as one whole, one voice, and to have consistent consumer protection and consistent codes of ethics and high standards right across the industry.

There have been some arguments I've heard in the assembly that I would like to address as well. There has been a discussion that somehow this legislation creates an uneven playing field between small, family-run operators and large corporations. It's important to set the record straight on this. Quite frankly, there is a very, very uneven playing field, as we speak today.

By way of example, funeral homes and visitation centres: funeral homes fall under their legislation; they have a code of ethics; they have standards; they have qualifications and licences; and, by their definition, are located on town property, pay taxes, pay the municipal taxes. You could have a creature called a visitation centre, pretty much the same thing as a funeral home save for the fact that there's no embalming done at this

particular place. But being on a cemetery property, they paid no property taxes; they weren't governed by any legislation—they're in a grey area—and I think levelling that playing field as well helps in that respect. This—and many other reasons I'd be pleased to comment on, if I have that opportunity down the road—is why I support this bill too, and I quite strongly support this motion and hope to see it get a positive result.

**The Acting Speaker:** Further debate?

1600

**Mr Mario Sergio (York West):** I'd like to continue the debate on Bill 209, the bill that was introduced a few days ago with respect to making supposedly improvements surrounding funeral homes and all the services that go with providing funerals—cemeteries and other places where funerals can be held and so forth.

I spoke last week, perhaps with a little bit more time on second reading than on closure, with respect to some of those things that I don't agree with in the content of the bill. I did say last week, however, that this is a good step. It improves some of the aspects that surround funeral services and those services that are necessary and needed at that particular time. I want to address to the minister the point that it is at that time the public must truly be protected and given assistance. Consumers should not spend time, because they don't have the time, deciding what is good and what is bad. I think we should be very straightforward. It is a time of deep sorrow and bereavement. Consumers should not be given the opportunity to be taken at the funeral home, at the casket place, in selecting a headstone or anywhere providing one of those services.

What does this bill do? It improves the existing situation when it comes to choosing a casket, going to a retail store, if you will, a cemetery or other places, as they have been called in the past, funeral centres—not a funeral home, and I'll come back to that in a couple of minutes—but a funeral centre which is allowed to sell caskets and other paraphernalia attached to burials.

What else does the bill do, as it is presented? It improves some of the standards and, yes, that is an improvement since it has been so many years that the standards have not been touched, and the ethics. That is important. I think it's very important that at a time of bereavement people don't have to deal with problems other than dealing with the situation at hand and dealing with making provisions for the person who has just passed away.

So what is the thing that really bothers me with this particular bill? It is the fact that we are opening the door not only to competition, because I think competition in many ways is good, but what we are doing—and I will touch briefly on the content of my bill that I introduced some two years ago. It is the fact that now unlicensed funeral homes can hold visitations and they can also sell caskets. It is not permitted at the present time.

The legislation, as it has been introduced, will allow cemeteries to both do funeral services and be a visiting centre. I see a problem with that. We will see the creation



of franchising funeral centres or funeral homes. Why do I say that? It is because if this legislation goes through the way it is proposed, the large corporations—and there are now some large corporations that control several funeral homes; maybe under different names but they are controlled by one entity. They also control a number of cemeteries.

When we say we want to offer the most protection to consumers, this is a very serious grey area. Now, if you shop around, and you don't have much time to shop around at that time, you're bound to get a number of cemeteries or funeral parlours that belong to the same entity and thus you will get the same answer every time. I'm asking you, Mr Speaker, what kind of protection is this for consumers out there? It is none.

One thing that we've been fighting in my community, for example, and that was the reason for bringing in my bill, is that funeral services were being conducted from an unlicensed place. This bill will now do exactly that, which means that they can prepare the body, whatever preparation that is, in a licensed funeral home, and this legislation will allow them to transfer the body to another location that is not licensed as a funeral home. That's where visitation can take place, and eventually that's where the funeral service will take place as well. This can be very damaging because a funeral centre, a funeral parlour, can locate in a commercial area next to a residential area, creating the traffic problems that the people in my community were against in the first place. We may not see it now, but this is exactly what is going to happen. I've asked the minister to look into this particular concern that I've had, and I hope he will.

By introducing this piece of legislation, and we hope, as the minister says, that we can support it and it will all go through, he also has to take into consideration that we don't want to approve a particular piece of legislation that may give the suspicion or the impression that it is being driven by large corporations. When I say "large corporations," I mean corporations of funeral homes, funeral centres or cemeteries, and there are some large corporations which own both. So if we want to do the right thing, we have to make sure that the bill does exactly what the minister says it's going to do. But the way it is, I can't see it.

We want it to be seen that we will create a very solid, clear, level playing field. But if the bill goes through the way it is, I'll tell you today that a lot of small businesses out there will have to close because they cannot afford to compete with the large corporations. Under the bill the way it is now, those large corporations or cemeteries or whatever will provide services from A to Z, squeezing out the little guy, not only the small individual funeral centre or funeral home, but also those small businesses that provide the sale of other goods such as caskets and headstones. We just don't want to give the idea that this is going to offer more protection. We have to make sure that if it becomes law, the bill indeed will deliver that needed protection. Again, the way this bill has been written, it will not offer that particular protection.

At a time of need, people don't have time to decide what headstone or casket or whatever they will have to choose. Is that a time when we need more pressure on family members to choose the kind of headstone or the type of casket: a light one, brown, dark, wood, steel or whatever other kind? It should be their choice, so we should not provide any more pressure at that time. We believe that by limiting the competition, this is exactly what is going to happen and, ultimately, not only is the service going to suffer, but the costs are going to go up as well.

We have seen, for example, some of the so-called no-frills stores or no-frills services. Do you know what? Some of these so-called no-frills stores or cemeteries and funeral services are more expensive—more expensive—than the small operators. Do you know why? Because those so-called no-frills services are owned, operated and managed by the large corporations.

1610

I don't have to tell you that this is a huge business. Let's face it: it's a huge business. It is being exploited, and that's why protection must come in. But unfortunately, while the minister has good intentions in introducing the bill with some changes that are necessary, it does not go far enough. It does not address all those concerns to give the public 100% peace of mind. You may say no bill will ever give consumers 100% peace of mind.

That minister said the other day that this bill, the way it has been presented now, has received unanimous consent from all sides. I have to tell you, Minister, that if you did indeed speak to a lot of the consumers and various groups that have a stake, like small businesses, they have not been consulted. There is no total consensus on this. There is a lot of apprehension out there. There are a lot of problems with the bill. The public knows it and those small operators know it as well, because if the bill goes through the way it is, they are going to be out of business because they cannot face the stiff competition of the large operators and, therefore, they will be squeezed out.

Getting to the end of my time here, let me say to the minister again, as you're pushing to bring this to a close—because we are being pushed by the government to limit our debate and send this through the House—please, maybe you should send it to public hearings and give those people out there a chance, an opportunity to dwell on the bill as it has been presented. Give those who have a concern the opportunity to come to Queen's Park or other places and voice their concerns, and then make those necessary changes so that we can present to the public, the consumer, a bill that will offer better standards and protections and is much more ethical.

Having said that, Mr Speaker, my time is up and I thank you again for allowing me those 15 minutes.

**Mr Tony Martin (Sault Ste Marie):** I want to say off the bat that there are now three things for certain in life: taxes, death—and we're talking about that here in terms of this bill—and that on Wednesday afternoon in this place there will be time allocation motions. It's the

modus operandi of this place. The member for Nickel Belt and I show up here to work on Wednesday afternoon, to do our duty, and sure as God made little green apples, we'll be debating another time allocation motion. We say, "It's Wednesday afternoon so it must be a time allocation motion," or "It's a time allocation motion so it must be Wednesday afternoon." That's how much of a pattern is developing here.

There is no process any more. There is no opportunity for input; there is no interest on the part of the government side in good ideas that we might bring forward. There's no interest in going out and around the province on hearings on any of this legislation. It's just, "Get it done," "We know what's good for you," ram it down your throat, "It's good medicine; you'll be better off in the end." Well, we know now, after seven or eight years of this Conservative government, that almost everything that they've done has turned out to be a lump of coal, to use the analogy as we move toward Christmas in the province at this point in time.

Let me share with you very briefly, before I get into the act and bill itself, what's happening here this afternoon. We've had groups come and lobby us, faith groups, groups representing family-owned mom-and-pop funeral services in communities across this province. We've had municipalities concerned about this bill come and talk to us. We've had the Canadian Federation of Independent Business, for goodness sakes, come and talk to us New Democrats about concerns they have re this bill. They asked us, if nothing else, to ensure that the government takes the time necessary to go out and have committee hearings and give us opportunity to have some input to put on the record some of our concerns, to make some suggestions, to bring forward with you some amendments that might improve this piece of public business so that it actually does what is laid out in the opening of the bill.

Alas, that's not going to happen. We're here this afternoon, much to our chagrin and, I'm sure, much to the disappointment of those groups that have come to speak to us, particularly the faith groups who took so much time and made so much effort to find convenient times for all of us to get together so that they could share with us the concern that they have over this bill.

Well, this afternoon is going to be the end of it. This afternoon, we're not really talking about the bill; we're talking about this time allocation motion, although we'll take the opportunity to in fact do that. But this afternoon, in the next couple of hours—it's now a quarter past 4—in the next hour and 45 minutes we will have dealt with a major change in the bereavement industry in this province, change that has taken a long, long time to be developed. Traditions that have built up over years and years will be changed in this place with the little bit of debate that we will have here this afternoon.

Let me just share with you the motion that was tabled by the Minister of Consumer and Business Services this afternoon on behalf of Mr Stockwell. I'll read it for you, and then I'll explain very clearly and simply exactly what it means.

"That, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes, when Bill 209 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment; at such time the bill shall be ordered for third reading, which order may be called on that same day"—so we can have second and third reading on this bill on the same day—"and

"That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

"That the vote on second and third reading may, pursuant to standing order 28(h), be deferred; and

"That, in the case of any division relating to any proceedings on the bill, the division bells shall be limited to five minutes."

What are they saying there? What they're saying there very simply is, after today, at the end of today, when we vote on this time allocation motion, the next time that the government calls the bill forward, the next time the government decides it wants to put this Bill 209 on the table for debate in this place, we will go immediately to a vote.

Once we have finished that vote on second reading, we will move then, immediately, without any debate, any amendment, any opportunity for amendment, without any committee hearings whatsoever, not even downstairs for 20 minutes like we had for the budget bill the other day, or the red tape omnibus bill; not even the 20 minutes that we got for that will we get in committee so that we can bring forward amendments. That's not going to happen, never mind go out and across the province and speak to small and medium-sized and large communities—because they all have different perspectives, and the industry in those communities all have different perspectives on this bill. We're not going to do that. There will be absolutely no committee hearings, zero, none in this instance, as is the pattern of this government these days, it seems, as they rush headlong to the end of this session because they don't want any more question periods than they can get away with.

We know that we're going into an election come early spring of next year. We say, let's have it now. If that's where you're going, let's do it now, and let's drop all this legislation so that we can get a government back in here, led by Howard Hampton, that will in fact have respect for the processes that have built up over a long period of time in this place that reflect the democracy that we all are committed to and that have served us for so long.

But no, this bill will come back for second reading; we'll vote on it; there will be no committee; we'll go straight to third reading; we'll vote on it. There will be no committee. It will go straight to third reading. We'll vote on it and then it will become an act of this Parliament and



the rule of the day where bereavement services are concerned. That's what we're about here this afternoon. That's what's happening. We're ramming this through.

1620

This is an important bill. We heard the minister this afternoon say that we shouldn't have any real concern about this bill, that it was built around a consensus they arrived at in consultation with the industry out there and with the communities and other folks who will be affected by it. We're here to say this afternoon that this legislation is based on a discussion and consultation conducted by Justice Adams, which produced a document outlining the current course of action. While the government calls it a consensus, having heard from so many of the affected parties over the last few months, we say this afternoon that it certainly was not a consensus at all.

Many of the groups were unhappy with the results, but there are so many competing interests in this sector that it would be very difficult to produce a balance. However, that doesn't mean that, once legislation is tabled and we get a look at what it is the government is proposing after having had this consultation under Justice Adams and having heard from people, we shouldn't give them a chance to come back and speak to the bill and how it might affect them and how we might improve on what it is that's being put forward. That's not going to happen.

Many of these groups are very unhappy. For example, the monument and casket retailers are unhappy. Small, independent funeral directors are unhappy. Municipalities are unhappy. Some of the faith groups are unhappy. The Canadian Federation of Independent Business is unhappy.

The government is definitely telling a story when they describe the current situation as a consensus. It is, rather, a situation in which they needed to move forward and have chosen to charge ahead despite the criticism and not take the time necessary to hear everybody out so that we might, at the end of the day, have something that reflects full consultation and at least some attempt at some moderation and some interest in what others are saying this bill is all about.

The impetus for making these changes came primarily from the cemeteries and crematoria in the province. The faith groups and the family-run funeral service organizations would have been just as happy to have stayed the old way, to have what's in place now continue in place, to work around that and work with everybody involved to improve on that. This bill is an attempt to strike a balance, but we suggest it's a precarious balance, among the various constituents involved in the issue. However, when you start messing around with something that has been under stable regulation for so long there are bound to be difficulties.

There need to be considerable committee hearings, but alas, it isn't going to happen. The member for Nickel Belt and myself were here last week making that point over and over again in our responses to speeches by various members in the Legislature here, and in our

speeches themselves, that we needed to have considerable and travelling consultations on this bill to find out if the legislation accomplishes what they agreed to in the consultations as the drafting happened.

We said they just couldn't ram this through and then cross their fingers and close their eyes and hope it works. We've seen them do that before and we're all wearing the result. The government has avoided those bumps, those challenges by leaving the real problems to the regulations, which causes us real concern because regulations are done by the government with no input, no requirement that they consult or talk with anybody, and with no opportunity for the opposition in particular to have any say. There are so many details left to the regulations that most groups involved in the process are reserving judgment about the effect of it.

Given this government's propensity for pandering to big business, it wouldn't surprise us if the regulations were heavily favoured or tilted in favour of corporate shops. That brings me to another point I want to put on the record here this afternoon. That's the potential for corporate takeover of the whole bereavement industry. We've seen it in health care, we've seen an attempt to do it in education and we've seen the fiasco that hydro has become in this province. Now we see the government, cajoled, encouraged and lobbied by their corporate friends on Bay Street, taking another very important, sensitive and critical area of public life and saying to them, "What can we do to help you become involved and take over," so they can apply this notion of private sector discipline in the area of bereavement services.

Well, we know what that was all about when we heard our leader speak of it this afternoon in the context of the auditor's report that came down this week. We now know very clearly what private sector discipline is going to do to the public life of this province, and it's my belief that that's where we're now heading in the bereavement industry. We're going to turn it over more and more, or at least provide the opportunity or open the gates for the corporate sector—I'm talking about the big corporate sector here—to come in and take over this area.

I have to tell you that in conversations I've had, the Canadian Federation of Independent Business, the Association of Municipalities of Ontario, the faith groups and the smaller family-owned industries in this area are very concerned. Those who make caskets or who do markers on graves are very concerned, because they don't know, if the big corporate sector takes over and it becomes one or two or three major interests, whether they will have a niche or any opportunity at all to do what they've done well for a long period.

I know myself, from having stickhandled legislation through this House to regulate franchising in this province—by the way, there was a nice big piece in the latest edition of the Ontario Business Report that the ministry puts out, with the smiling face of Mr Flaherty, Mr Right Wing himself, on the second page talking about this wonderful legislation they now have in place in Ontario regulating franchising, without any effort to

indicate that if it hadn't been for me and our caucus, that wouldn't be the case. There would be no regulation. The big corporate interests, where franchising is concerned, would have their way with so many small, dedicated, hard-working and committed individuals and families across this province. The damage that was doing continues, because what they put in place was so minimal as to almost be hurtful in some instances where franchising is concerned. Now they're out there promoting it as something they did, that they initiated and put in place, when in fact it was the last thing they wanted to do and only did it when we had a chance to sit down, talk to them and work with them. As a matter of fact, I give credit to the Minister of Consumer and Commercial Relations at the time, Mr Runciman, for working co-operatively with me to put that piece of legislation in place. It's an example of what can be done creatively. Mind you, as I said, it wasn't enough, but at least it was an opening of the door, a foot in the door, to put that in place and begin thinking about regulating an industry.

If the government was equally forthcoming and interested in our input and what we have to say about these things, we might be able to put in place a piece of legislation to move forward the delivery of bereavement services in this province—yes, to do what is in this bill that we think is supportable, but on the other hand to deal with some of the issues that have been raised by interested parties that we can't support. But at the end of the day, what will it matter? They have the majority and they'll ram this through.

It was interesting: this weekend, I went home to Sault Ste Marie and I went to mass on Sunday morning and heard the priest say to the congregation from the pulpit that the bishops are sending out a warning that they should tell the funeral service they go to when somebody in the family passes away that they want to have a church service at the church they attend regularly, week after week, because I guess there's now a fear, with this new legislation and with the very aggressive nature of some of the big corporate entities in the funeral business across the province, that even the churches will be pushed out. As you know, when you go into some of the larger funeral homes now, there's everything. They're selling caskets, they're selling packages. They have the wake service and now, usually attached, not very far away, is a chapel. If you talk to the funeral director, he can get for you any number of ministers or spiritual leaders who will come in and actually lead a service right there in the funeral home. You don't have to go anywhere to be connected to your church community at this very important time in life, when spirituality is such a central part of what's going on, to celebrate and to mourn with your community the passing away of a loved one.

1630

The bishops are concerned, and so they should be, that with this new legislation and with the new attitude that's out there toward corporate control of everything, in fact even funeral services now will be taken more and more out of the hands of church communities and turned over

to corporate interests. That should concern everybody. It certainly concerns me. It perked me up on Sunday morning, when I heard the priest in the pulpit saying these things to our congregation, warning our congregation about this without being overtly political. It's funny that, when I spoke to him at the back of the church after and asked him if he was concerned about the corporate takeover, that wasn't a discussion he wanted to engage in, but certainly that's the interpretation I brought to the whole thing.

I put it on the floor here this afternoon that out there across Ontario now there is a knowledge of this piece of business that's before us. There is some very real, important and significant concern that needs to be addressed. Alas, we have before us a time allocation motion that's not going to allow us the opportunity to put on the record any more than we already have. It will not give us the opportunity to go out across the province and hear from, for example, the bishops, perhaps my pastor, and others who might want to raise some very real concern about this and challenge the government to slow down, to take a deep breath, to take a sober second look at this and then maybe come back at it again and see where we can perhaps go from there.

You see, the corporate world, the corporate sector, the big business interests in Ontario and Canada and the multinationals don't need our help. They don't need our help. What we should be doing here in this place is making sure that as the corporate sector do their thing—and they have many valuable things that they do. But government has a responsibility to make sure that corporate interest does not work its way into the common interest that we all have in our province, in our jurisdiction, in a way that begins to take away opportunity, freedom, protection and rights that we are so proud of here in this province and in this country, rights and traditions and ways of doing things, freedoms we've long fought for and that people have gone to war over. We need to make sure even today, as we stand in our place in Legislatures such as this one, that we're protecting these with every inch of our being, with every ounce of intelligence that we have.

It is with heavy heart that I recognize there is no more that I can do on behalf of those people who have come before me, particularly the small family-owned funeral businesses in my community, and small and medium-sized communities across this province in particular. There's nothing more I can do on behalf of the faith communities that sat down with me in my office and shared with me some of their very real concerns and anxieties where this bill is concerned. There's nothing I can do any more in this place to reflect the very real concern that my pastor this Sunday shared with his congregation, where the corporate creep that's going on in this business is now perhaps ready to take over the very important work and responsibility that churches and church groups and church communities have always exercised in community after community across this province.



I turn the time that we have left in our caucus over in a few minutes to the member for Nickel Belt, who wants to put some thoughts on the record on this important piece of public business.

**Mr Steve Peters (Elgin-Middlesex-London):** Here we are, once again dealing with a time allocation motion or, as my colleague Mr Caplan described it, the guillotine notice, cutting off debate. I think it's safe to say that we on this side of the House and the citizens of Ontario should have grave concerns over the frequency that closure—the shutting down of debate—is being put forth in this Legislature.

As legislators, we are elected to ensure that we undertake a complete debate. But you know, this government is bound and determined to cremate the relevance of this Legislature. I think the epitaph of this government is going to read, "1995 to 2002, 207 bills passed, 87 time-allocated." In 40% of the legislation that has come before this House, the debate has been shut down. You buried the opportunity again for public hearings on this bill.

It's most interesting when one goes back to review Hansard. My colleague Mr Crozier from Essex predicted that we would see closure with this legislation. He predicted it. But we thought, "Wow, maybe we're not going to experience that," because that very night, on November 25, we heard Minister Norm Sterling stand up in this Legislature—and one just needs to refer to page 3227 of Hansard—and say, "Let's pass this bill on second reading, put it out to committee and we will have public hearings."

**Mr David Caplan (Don Valley East):** Norm said that?

**Mr Peters:** Norm said that.

**Mr Caplan:** What happened?

**Mr Peters:** They introduced notice of motion number 80, and debate has been buried, it has been cremated, and I think it's a sad day for democracy in this province. This government continues to do this.

I think the citizens at home expect that when they send us to this Legislature every one of us would have an opportunity to fully debate a bill. It's incumbent on the government members to put forward their views and ideas and it's incumbent on Her Majesty's loyal opposition to point out those areas where bills could be improved, where bills that are flawed could be made better. One of the ways we can do that is, first, by having a thorough debate in this Legislature and, second, by allowing a piece of legislation to go out for public hearings after second reading. I read that the Minister of Transportation thought public hearings would be good for this bill, but obviously not. This government is just bound and determined to stifle debate.

We've heard the faults of this government. We heard yesterday the Provincial Auditor, Mr Peters, rip them apart for their mismanagement. We heard today my colleague Mr Gerry Phillips talk about the mismanagement of this government and the façade that they put forth. But I think, because debate is being stifled, the

public doesn't always get all the information. It's incumbent on us and it's our opportunity as Her Majesty's loyal opposition to use the debate to ensure that the public is fully informed. I think the most damaging of initiatives, and there are many damaging initiatives, is that this government has added \$21 billion to the debt of this province.

**Mr Caplan:** That doesn't include hydro.

**Mr Peters:** It doesn't include hydro, not at all. That's been—what?—\$500 million or \$700 million alone in the past year that has been added to hydro. What a terrible legacy to leave for future generations. What a terrible legacy to leave for the pages who are here in the House. What has happened is disgusting.

**1640**

It is a shame with this legislation. We heard the minister talk of the consultations that took place in advance, but there wasn't unanimity coming out of the consultations, and that's often the case. The goal then is that out of the consultations, legislation is drafted and presented to us to be debated in the Legislature. Then it's incumbent on us to take that legislation out for public hearings. But that hasn't happened.

There are a lot of areas of concern in this bill, not only to myself but I would hope to all members of this Legislature, and I would hope to the public as well. There are a lot of positive things in this legislation. I can't stand here and say this a piece of legislation that should be sent to the crematorium, because it's not fully faulty. There are some areas, though, that need improvement and clarification. Hence, public hearings would have helped make this a better piece of legislation.

Some of the areas I'm concerned about are telemarketing and solicitation. We've got people in this province right now who read the obituaries on a daily basis, and while a family is right in the grieving process, they're receiving letters about monuments, in particular, and about other areas, things they should be looking at. Families shouldn't be harassed at that time.

Also, around the countryside you're seeing more and more signs being erected around cemeteries: "Call ABC Memorials." The government talks about what they're going to do to protect the consumer, but what they don't address with this legislation, and unfortunately with a lot of pieces of legislation that come before this Legislature, is the whole question of enforcement. You can draft the legislation and the regulations, but is the government going to be there to enforce the legislation?

**Mr Caplan:** It could have been done at committee.

**Mr Peters:** Exactly. That is something we could have worked on in committee, improving the legislation. That wasn't done. I think cemeteries themselves—this is a point I raised in the debate and I'm going to come back to it, under section 47 of this legislation. Section 47 talks about speculation, that one should not be going out and buying a funeral plot or a number of plots and then at some point down the road selling them at a profit. But this legislation in many ways contradicts itself, because you have thousands of cemetery plots across this

province that have been purchased by families that to this day remain unused.

I sat on the St Thomas Cemetery board for 13 years. We have thousands of vacant plots in that cemetery. What this legislation is going to do is it is going to say to somebody who bought 10 plots 50 years ago at maybe \$10 apiece that, wow, we can go into the cemetery and redeem these plots at market value. That's a huge burden on many of the faith-based and non-profit cemeteries in this province. Many of these cemeteries, like the St Thomas Cemetery, struggle on an annual basis to make ends meet. I have some real concern that this is going to be an additional financial burden to cemeteries.

There are many references through this legislation to fees. Again, fees may not be an issue for some of the larger cemeteries, but for small rural cemeteries, fees are already an issue. I had the Fingal cemetery contact my office expressing their concern over the fees that they are already being charged, but this government again is going to download fees to the local cemeteries.

I want to go to another aspect of this legislation that, again, had we gone to committee, I think we could have helped improve. One of my biggest beefs, and it has always troubled me, is the vandalism of cemeteries. That could be vandalism from the standpoint of knocking over monuments; it could be vandalism from the standpoint of defacing monuments with spray paint. It happens over and over again; it's an annual occurrence across this province.

Many of these monuments, once they're vandalized—if you look at an old white marble monument, when a white marble monument is split in half, you're not going to replace it—are next to impossible to put back the way they were. If a large granite monument is knocked over in a cemetery, the cemetery assumes the responsibility. If they don't catch the perpetrators, the cemetery assumes the responsibility for having to put a monument back in place.

I know we undertook an effort to start to restore monuments at the St Thomas cemetery, and I can tell you that you're looking at \$500 to \$1,000 apiece to restore monuments, again additional costs to the cemetery.

If we had gone to committee with this bill, we could have looked at sections 102 and 103, which talk about the prohibition of interfering with a cemetery. We could have put the boots to the goofs who are out there vandalizing cemeteries. We could have put some teeth in this legislation that would have helped a judge, when we catch these idiots, to really do something. We could have included in this legislation some hefty fines so that we would be working to discourage these individuals from undertaking vandalism or defacing monuments. But we're not going to have that opportunity, because the government again shuts down debate. Debate is shut down. Again and again we see this, that debate has been shut down in this province, and it's really, really sad.

There are other aspects of this bill that I think we need to be concerned with. Maybe this is not an issue all across the province, but it's an issue that is out there. I

have to chuckle at the minister and the ministry, who talked about the rise of unregulated visitation centres across this province. Why weren't you out there enforcing it? Why weren't you out there saying that we're not going to allow visitation centres? Why weren't you going to be out there enforcing to make sure those things didn't happen? Is it because you drastically cut back the number of staff in the cemeteries branch, that there's really nobody within the cemeteries branch other than the registrar and some clerical staff?

We don't have the people on the ground enforcing the Cemeteries Act like we used to have. I can recall my days on the cemetery board, where we had an individual in London that we could call if we had an issue dealing with the cemetery. That doesn't exist any more. So how are you going to put legislation in place, in many ways toothless legislation, but not have the enforcement mechanism in place? We haven't heard that addressed by the minister to date.

I'm very concerned about this legislation and this move toward one-stop shopping, where a cemetery is going to be in the business of providing all the burial services, selling the cemetery plot, selling the casket, selling the memorial, probably selling the flowers too. You are seriously jeopardizing those individuals who've invested substantial money in providing funeral services in this province. You're jeopardizing that, and you're heading down the road to creating monopolies. This legislation could have been better, and it would have been best had we gone to public hearings and not shut down the debate.

1650

**Ms Shelley Martel (Nickel Belt):** I'm not going to say it's a pleasure for me to participate in the debate.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** It's always a pleasure to hear you, Shelley.

**Ms Martel:** It's becoming routine to participate in a time allocation debate on a Wednesday afternoon. My colleague Mr Martin is quite right—I say this to Mr Beaubien, who is here—that there are three things you can count on now: death, taxes and a Wednesday afternoon time allocation motion. We are going to speak about two today.

**Mr Beaubien:** In which order?

**Ms Martel:** Let me deal with the time allocation first. The sad fact of the matter is that, with a little bit of committee, we could probably clear up all of the outstanding issues. I say to the government, you have some concerns from stakeholders. I'm going to read them into the record during the course of the time that I have. But I think the government and those stakeholders who have concerns right now aren't very far apart. I bet you in an afternoon we could have those folks in, we could have some public hearings and the government could move the amendments so that those folks would be onside. I think it would be that easy. So I don't understand why the government isn't just prepared to go that extra step and get it done and be able to stand before the House recesses sometime next week—because I think we are due to



recess sometime next week—and be able to say we responded successfully, positively to the outstanding concerns that were still out there in those communities that have a very direct interest in this.

I think the government would want to do that. I mean, why wouldn't you? If the government proceeds in the way that it intends, in the way that's outlined in the time allocation motion, what is clear is that there aren't going to be any public hearings, there isn't going to be any time for that kind of interaction with the stakeholder groups, there isn't going to be any time for amendments and there isn't going to be any time to fix some of what I think are very small and minor problems that the government could easily address.

I know that often there are bills that come through here and we are diametrically opposed to them—most of the bills that come from this side, this Conservative government, we as New Democrats are very much opposed to. What's interesting is that I think you have a bill where, in truth, there has been a fair bit of work done, there have been stakeholder groups that have been part of a consultation process, and we have a bill that we could probably clearly agree with and so could the public if the government would just do that one additional thing. I don't think it would cost the government much. I think there would be agreement to have some very short hearings, bringing in the groups that have contacted not only us but the government with their concerns and with their proposed changes. The government could move the amendments to clear up the situation. They could have a bill that at the end of the day would have wide stakeholder support. I think what they are going to end up with is a bill where there will be lingering, ongoing concerns that are legitimate concerns that have been raised with the government. The government will then be accused of having ignored the concerns that came in from the stakeholders, which I'm going to read.

**Hon Mr Hudak:** Which concerns?

**Ms Martel:** I'm glad the member asked, "Which concerns?" I have three letters here. I'm going to read the concerns into the record. I'm assuming the minister has heard about these concerns, because a number of the folks actually say they met with the minister and reiterated these concerns with him, but just in case he hasn't, and for the public record, I'm going to read those into the record. Then hopefully someone from the government side is going to be able to tell me why it is that we're moving a time allocation motion today so that we can't deal with the legitimate concerns that have been raised.

The first concern is coming from the Ontario Provincial Synod, the Anglican Church of Canada. The representative who contacted us is Rev Harry Huskins, whom I know quite well, whom my colleague from Sault Ste Marie knows quite well, whom the minister would know, because, as he says in his letter, there were a number of members of faith communities who "met with the minister and his senior policy advisors" on November 20, a Wednesday morning, "before he introduced the bill later that day....

"We told the minister that we supported the intention in the bill of furthering consumer protection, but have concerns about the board of a new authority making decisions that would have inadvertent consequences for religious communities."

Here are the consequences: "the imposition of new charges, fees or levies for our small congregations, mosques, synagogues and parishes; the imposition of new administrative burdens or personnel qualification requirements on the volunteers who are now doing the paperwork in these small places; and any provision which would lead to new property taxation."

The letter goes on:

"On the question of costs, whether they be new taxation or as a result of the need for a self-financing authority to raise revenue, we fear"—that's the faith communities—"that the result will be that many of our small operations which barely make their budget from year to year will feel themselves forced to use the abandonment provision and transfer their cemeteries to the local municipality."

**Hon Mr Hudak:** No.

**Ms Martel:** I hear the minister saying no. I think I heard him say no. I don't know why he's saying no and it won't happen. Harry Huskins, I've got to tell you, is not a partisan individual by any stretch of the imagination. He's not. This wasn't just his point of view being put forward. The letter makes it clear that this was the perspective put forward to the minister in a meeting involving a number of faith communities. So it's not just him.

Let me go on:

"Over the years local volunteers have and continue to put hundreds of thousands of volunteer hours and dollars into these small cemeteries. Abandonment would mean that this work would now have to be done by paid municipal employees along with the administrative work required. We do not believe that any marginal increase in tax revenues could offset these costs nor that the good of the local community would be furthered by this."

I think he's right.

"The minister"—he can tell us if this is true or not—"seemed receptive to the idea that the use of an exemption threshold would prevent these problems. It is a mechanism that works successfully in similar contexts. We are suggesting that any cemetery having less than 100 burials a year be exempted from any new charges or administrative burdens such as the licensing and examination of the volunteers who are now doing this work well."

The letter says the minister seemed to be receptive.

"It is my impression, from the meeting, that the exemption threshold has been accepted as a sensible solution to the problem, but that there will be pressure from other sectors to set this substantially lower. We feel that a lower threshold would defeat the whole purpose of using this mechanism."

The second point:

"On the question of governance, it is my impression that the minister understood the need for some ongoing

form of consultation with the faith communities on matters the authority would be dealing with. We would prefer that the sectorization of the board we have suggested be put into place. I think the minister would prefer to use a faith communities advisory committee with at least the chair of the committee sitting on the board."

I thought those were two reasonable suggestions. They gather that you were amenable to that too, but I don't think the changes have come forward. The problem is, with your time allocation motion, there's no opportunity for these sensible solutions to come forward. There isn't, right? So why don't you do the easy, quick and sensible thing? Have some committee, have some amendments, put the amendments and resolve these concerns. I don't think these are outrageous requests. They are far from being outrageous requests, and they represent the requests not just of one particular faith but of the many faith communities that met with the minister on November 20.

I say to the minister, do yourself a favour; make these people happy. It's going to be easy to make them happy—reasonable requests. Have some committee time, bring in some amendments, get it done.

1700

Let me deal with the next group. This is a group of people, the next one—Mr Martin, you'll agree with this—that are big supporters of the government. You would think they would want to do something to respond to their concerns. This is a letter we have from the Canadian Federation of Independent Business. Minister, they're more likely to be your friends than mine. They wrote you a letter September 20:

"Dear Minister Hudak:"

They say in the first paragraph that they "appreciated the opportunity to participate over the last 19 months in the Bereavement Sector Advisory Committee...."

"As you will know, CFIB has advocated consistently in support of a framework that will enhance fair competition in the industry, including the choice of independent service providers and open, honest communications from all players. This is the best method of ensuring protection for consumers when they are coping with the loss of a loved one and are at their most vulnerable."

This is the key: "We have reviewed the draft legislation, with the benefit of attending MCBS's final technical briefing on August 30, 2002. Our reading of the legislation is that there are areas where it does not respect the agreement of principles put forth by the" committee "to your predecessor on November 23, 2001. As a consequence, we are worried that the future viability of independent operations in the bereavement sector will be threatened, ultimately putting consumers at risk." This is their letter to you.

**Hon Mr Hudak:** How come you're reading that one? The other one was better.

**Ms Martel:** I'm not done yet.

"CFIB is concerned about the following deficiencies in the final product." Five points; stay with me.

"1. Lack of 'level playing field' on taxes—while private sector funeral homes, monument builders, transfer operators, and retailers are subject to the full range of taxes levied by governments, municipal cemeterians engaging in these businesses are not."

Minister, don't leave. You want to hear what your friends at CFIB are telling you. Come on.

"The proposed 'payment in lieu' of property taxes ... is to be returned dollar for dollar to the municipal cemeteries, ostensibly for 'care and maintenance'—this without any accounting for the disposition of the money.

"2. Restrictive practices—cemeteries may continue to use bylaws and other practices akin to tied selling to shut out competition (eg, cemetery bylaw conferring exclusive right to install foundations, restriction of information available to monument builders concerning recent burials etc) and other techniques (eg, so-called 'free' courtesy markers tied to the subsequent purchase of a monument) in order to grab business.

"3. Municipalities using their local government power to serve their own commercial interests—municipal 'land-use planning' powers permit cemetery expansion (including expropriation), approval of crematoria, approval of funeral homes etc. This a clear conflict when the local government can arrange things to serve their commercial interests in competitive businesses.

"4. Operators of existing 'visitation centres' on cemetery property and existing crematoria are being rewarded through a 'grandfathering' arrangement...."

This is what they say. This is their letter of September 20, 2002—look here—from Melanie Currie, policy analyst, Canadian Federation of Independent Business.

**Hon Mr Hudak:** Melanie is wrong.

**Ms Martel:** Melanie has it wrong. Melanie, I hope you're watching. The minister says you have it wrong. I hope this will generate another letter to you, Minister.

"4. ....So-called visitation centres operating as unregulated funeral sites confer an ongoing benefit to those who chose to break the rules. Crematoria will also be granted a continued five-year reprieve from taxes, a clear advantage over any new business proposed."

"5. Consumer protection through information. It is imperative that consumers be made aware of their rights and interment options regardless of the point of entry.

"We hope and trust that these matters are addressed in the legislation, regulations, and policy."

Those are their concerns. Minister, look. Get it to committee. Your friends—because really, they're more your friends than mine. It's true. Your friends are going to come in and you can address their concerns. Why don't you want to do that? It would be so easy; it would be so simple. It would be done. Right? You could say to them, "We listened to your concerns; we agree the principles have been agreed to."

**Mr Beaubien:** How many more have you got?

**Ms Martel:** One more. I've got one more. Do it for your friends, if no one else.

Now, Minister, here's the last one. This was an Alert that was sent out November 21, 2002, from the Associ-



ation of Municipalities of Ontario. Here we go. This was an advisory to all their members:

"On November 23, 2001, Bereavement Sector Advisory committee ... submitted its report to the Minister of Consumer and Business Services. The report offered a number of recommendations aimed at meeting the minister's objectives, claiming it had broad consensus from committee members. However"—this is the key point, Minister—"municipal representatives on the committee have indicated that a broad consensus does not exist and a number of recommendations have the potential to negatively impact municipalities."

This is not what I'm saying. This is a copy of Alert, dated November 21, 2002, sent from the Association of Municipalities of Ontario to all its members.

It says, again, that "municipal representatives on the committee have indicated that a broad consensus does not exist and a number of recommendations have the potential to negatively impact municipalities."

What are they? Let me read them into the record: "For instance, the recommendations to establish municipalities as the social safety net for cemeteries; failure to guarantee municipalities the necessary financial tools to meet the financial liabilities of abandoned cemeteries; creates an uneven playing field in favour of the other industry participants; forces municipalities to tax themselves and redirect the funds to a bereavement fund instead of municipal revenues; create tax incentives for the creation of additional cemeteries, which will increase the potential number of abandoned cemeteries; and create market conditions that are unfavourable to consumers."

"AMO met with the ministry in late October and expressed municipal concerns with some of the proposed directions. Ministry staff"—

**Hon Mr Hudak:** They met me too.

**Ms Martel:** They don't say that yet. Oh, here it is: "After meeting with the minister...." I'm getting there.

"Ministry staff indicated that it would be unlikely that all municipal concerns would be addressed and that municipalities should remain part of the process to protect the proposed changes or risk keeping the 'status quo' in place." That's a bit of a gun to your head, that little sentiment there, I thought. "Discussions with municipal cemetery operators revealed that keeping 'status quo' was more favourable to municipalities than implementing the proposed changes in the BSAC report." I repeat, "Discussions with municipal cemetery operators revealed that keeping 'status quo' was more favourable."

"After meeting with the minister and by letter of November 12, 2002, to the Minister of Consumer and Business Services, AMO reiterated municipal opposition on the matter of allowing a single regulatory body among other matters. AMO also requested to continue working with the province to address issues of taxation of crematoriums, visitation centres, funeral homes and the establishment of mandatory care and maintenance funds for cemeteries, scattering grounds and columbariums."

At the bottom, under the title "Action," "Second reading is expected next week." Bear in mind this was

sent out November 21. "AMO will be requesting changes to Bill 209 based on the issues that have been advanced to the ministry on previous occasions." I repeat, "AMO will be requesting changes to Bill 209 based on the issues that have" already been announced.

AMO, the Canadian Federation of Independent Business and the faith communities aren't going to see any changes, because the government today brings a time allocation motion that effectively shuts down debate, shuts down committee hearings and shuts down the potential for amendments that would resolve many of those concerns.

I don't understand why the government is doing that. Clearly, there's been a lot of work done. Clearly, with a little bit more work, I think that the government can resolve these problems, that there can be some agreement and that the government could come forward and say, "We have unanimity. We have a consensus. We have our stakeholders who are pleased to be supportive of this bill."

As I conclude, I say to the minister, there you go. There are some of the concerns. They're now on the public record. As this bill goes through without any changes, those are things you'll have to deal with.

**Mr Mike Colle (Eglinton-Lawrence):** Although I'm glad to be speaking, I'm also saddened to stand up again and speak to another motion by this government to shut down debate. It's another closure motion, which basically means that the people of Ontario, who have had little opportunity, with no public hearings, no changes to this bill—they're closing down debate. This government has closed off more debate by closure motions and by what they call time allocation than any government in the history of this province. With almost every bill, there is no allowance for public hearings or any kind of input. They just ram this through like they've rammed everything else through.

**1710**

We know now why they like these closure motions. Because they don't want the public to know what they're doing. They don't want to hear from ordinary people who may be concerned about the high cost of dying in this province. In the city of Toronto, never mind owning a home or renting a home—the cost of finding a place for your loved one is exorbitant. You basically are captive to these big funeral operators—not so much the funeral operators; I should say the owners of these cemeteries that are charging anywhere from \$7,000 to \$25,000 for a plot. I don't know how many seniors can really make a choice or how many families can make a choice at that time, when you need all the support you can get and you have to come up with this money, not only for the plot but also for the funeral service.

So it is a very expensive thing that you have to face. You have no choice. It's a captive audience. I really wonder, if they happen to live in the city of Toronto where there is limited real estate for cemetery use, where poor people can go, where they can be buried. I see no protection in this legislation for those who don't have the

money to be buried in Mount Pleasant, who can't afford that kind of money. Where do they go? What protections are there to get some kind of decent burial at an affordable price? That's not in the bill. I don't see it.

I would think that for a consumer minister there would be something in here that would allow for a reasonably priced burial that wasn't escalating like the price of real estate is in Toronto. I'm not sure if it's the same in other parts, I guess in rural Ontario there may be more affordable spaces, but if your family is in a city like Toronto you want to be, hopefully, buried there so that they could visit and pay their respects. That is almost becoming a pipe dream in cities like Toronto. You can't even be buried in the town you worked in, the place where you raised your family. You can't even afford, as I said, to have this last bit of respect for your loved one.

It is really getting totally out of control. That's why I thought in this bill there is an opportunity as we're updating the funeral act. I can see there was something the minister had to do, but the big gap I see in it is the fact that there is very little protection. I really don't know what to tell people. Where do they go? If you live in Toronto, you can't afford to get a decent place to be buried. It's strange enough that you have to have a mortgage on your house for your whole life; then you have to get a mortgage on your children when you die. That's what people are being subjected to. This seems to be something the government doesn't want to provide for or look after. I don't really know that there is something in this bill that would at least say to people, "We're going to look into that and see if we can get some affordable places to be buried." I know it's something we don't like to talk about, but that's certainly one of the striking things that I saw in terms of this Bill 209.

I would hope that one of these days we'll come to grips with that. Seniors all over this province are very worried about what is happening. They're getting caught back on their pensions, their nursing home fees have gone up 15%, they're having a hard time paying hydro bills, and then they have this looming black cloud, wondering whether they can afford to be buried in the community where they lived. So there are many, many pressures on seniors.

I noticed in the Provincial Auditor's report, which was a damning condemnation of this government, nursing homes. There was a lady on CBC Radio this morning, a former nurse, who said that her mother was given only one bath a week and that there was no nursing care; it was a nursing attendant. The Provincial Auditor said that the place they inspected had no licences. Can you imagine? If you have a restaurant, or an ordinary store and you're selling shoes, you have to have a licence. You've got nursing homes all over this province without licences. So seniors at every turn are the forgotten ones in Ontario. This is an independent person who at least came to bat for seniors and nursing homes, Erik Peters, the Provincial Auditor, who this government is trying to slam and condemn because he had the guts and the integrity to tell the truth about this government that spent \$676

million. Imagine how many seniors you could help to live out their last years with respect with the \$676 million they gave to high-priced consultants who got blank-cheque contracts. For those people there's money. To help seniors who are looking for an affordable place to die or an affordable place to live in a nursing home or seniors' housing, there's never any money. For consultants, \$2,600 a day—how much is that a year? Millions.

You're paying these consultants a million dollars. To do what? Who on God's earth should get \$2,600 a day? And they even get it without tendered contracts. It's just given; it's a gift. That's the type of thing that makes seniors very upset when they're crying for a little bit of care in a nursing home, asking for an extra bath a week and saying, "Why do you have to increase my nursing home costs by 15%? You tell me you have no money for nursing homes, yet you've got money for consultants"—\$676 million given out by this government. That is incredible. It is an abuse like we've never seen.

In the history of this province there has never been a government that spent 676 million taxpayers' dollars on blank-cheque contracts for their consultant friends. I cannot understand why a government that claims to be looking after people is really looking after their high-priced friends when it comes down to it, according to the Provincial Auditor. That's who they're looking after. No wonder people are angry and frustrated and cynical about government. If they pick up the auditor's report and then look at this bill before us that's about to be closed down for debate, they'll know why you want to close down debate all the time. They don't want you to know out there in Ontario that they are spending 676 million of your dollars for these high-priced consultants, who are doing what with that money?

The government will not give us their names. They won't release the untendered contracts. They're trying to hide that from you, because they don't want you to know how they spent your \$676 million on their friends' contracts so they can spin or advise—who knows what they do for all that money? What does a person do to deserve \$2,600 a day? That is the question the ministers and Premier Eves can't answer. They try to defend this as something about doing business—"Oh yeah, we fired people." Well, they fire them, and then they bring them back as consultants and pay them twice as much.

No wonder there's no money to help seniors live in dignity in the last years of their lives so they don't have to go begging and don't have to go into debt. Instead, what they get from this government is, "Seniors have to tighten their belts. Seniors have to walk three miles to get oil on sale, or something." But their consultant friends get limos and expense accounts plus \$2,600 a day. Could you imagine what a senior could do on \$2,600 a month? But this government doesn't care about hard-working seniors who have paid taxes, sacrificed, saved, built this province with their sweat, bare hands and toil. They get no consideration.

That's why, when you see this bill before us that talks about respecting funerals, burials and cremations, as I



said, there's no consideration of the fact that a lot of seniors get to the point at the end of their life where they're worried about who's going to pay for a place to be decently buried, who's going to pay for a proper funeral. All these things worry them sick. That's the kind of real gut things that go on in this province. But the only gut this government is worried about is feeding their fat friends who are getting \$676 million in untendered contracts for consulting. If that isn't a disgraceful thing for this government to do, or any government to do—we've never, ever seen a justification for that. Every day in this House they are going to try to justify these fat contracts for their fat friends. They are going to say they deserve \$2,600 a day. What kind of advice is worth \$2,600 a day, especially in light of the fact that they've got a civil servant they just fired who was doing the same work for an amount of maybe \$20 an hour or \$10 an hour? No; they've got to bring in a consultant who gets paid \$2,600 a day.

1720

This is not the opposition saying it; this is the Provincial Auditor. It's probably the most damning Provincial Auditor's report in recent history. It slammed this government, department after department, where there's systemic abuse of taxpayers' dollars: systemic abuse, not just one ministry. Ministry after ministry is basically giving out contracts. It's like writing a cheque to anyone who asks for it to do this consulting work. It is an incredible abuse, especially when, as I said, we've got seniors who are wondering if they are going to have enough money at the end of the month to be able to pay for their food, to pay the hydro bill, never mind—they don't even buy clothes any more.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker, I seek unanimous consent for the following:

That consideration of government notice of motion number 80 be suspended; and

That the House will resolve into committee of the whole House for the purpose of clause-by-clause consideration of Bill 198, notwithstanding the order of the House dated November 21, 2002; and

That the Chair of the committee of the whole House shall immediately put every question necessary to dispose of the clause-by-clause stage of the bill without debate or amendment, except that each party may speak for five minutes on part XXV. All questions shall be decided by voice vote, with no recorded divisions pursuant to standing order 29; and

That, when the committee of the whole House reports Bill 198 back to the House, the Speaker shall put the question for adoption of the report of the committee of the whole House without debate or amendment, and at such time all of the terms and conditions of the order of the House dated November 21, 2002, shall apply and the order for second reading of Bill 198 may be called today; and

That, at the conclusion of this process, the House shall resume consideration of government notice of motion

number 80, and the time then remaining to 5:50 pm shall be used proportionately.

**The Acting Speaker:** Mr Stockwell has asked for unanimous consent. Agreed? Agreed.

*House in committee of the whole.*

## KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002

### LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINE (MESURES BUDGÉTAIRES)

Consideration of Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

**The First Deputy Chair (Mr Michael A. Brown):** I am now required to put all the questions related to this bill.

Shall parts I through XXIV carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Parts I through XXIV are carried.

On part XXV, we've agreed to five minutes of debate from each of the three parties.

**Mr Dwight Duncan (Windsor-St Clair):** What we are doing is amending a government budget bill, and what we're doing is what Dalton McGuinty and the Ontario Liberal Party have been calling for for the last month: repealing the pension sections of this budget bill to treat working people in this province fairly.

George Smitherman has led the charge on this. He brought people from all over Ontario. On three occasions, George Smitherman asked this government to do what we're doing tonight, and they refused; they absolutely refused. This is a government caving in on its own budget bill. This is a whole part of the bill, part XXV. There are 12 sections of the budget bill. What the government is saying is that it doesn't even have confidence in its own ability to deliver a budget that's fair to working people in this province.

George Smitherman said this a month ago, and I will repeat it. He asked this House to go into committee of the whole on three occasions—three occasions—to remove these sections of the bill. What did the government say? They said no.

The Minister of Finance stood in her place in response to my colleague George Smitherman and told him that he was all wet. What are we doing now? Precisely what he said we should do.

The leader of the opposition, Dalton McGuinty, stood in this House two short weeks ago and demanded this of the Premier, demanded this of the Minister of Finance. Did they do it then? No. No, they didn't. But now they heed the warning.

There must be an election coming. They must have been getting more e-mails and letters than we were, from all over the province—from London, from Peterborough, from their own ridings—because you cannot attack pensioners and working people the way this government attempted to. It was unfair, wrong. George Smitherman and Dalton McGuinty pointed that out to you, and now you are withdrawing it.

Do you know what else is sad about this whole process? They time-allocated this bill on November 21. What does that mean? It means they stopped debate, they wouldn't allow committee hearings, they wouldn't allow third reading debate: the normal parliamentary processes that would have allowed the Legislature to deal with this appropriately and might have prevented the government from having some of the egg they have on their face tonight.

This is a flip-flop of almost unprecedented proportion. They are backing off from a fundamental part of their own budget. What an irony: the very day the Minister of Finance is giving an economic update, which updates us on her projections in the budget, we are faced with withdrawing the major portion of the government's budget bill—non-confidence in itself.

This means we should have an election sooner rather than later. There is no leadership. There is no direction. There is no understanding of the issues that working people in this province live with day in and day out. It was Dalton McGuinty and George Smitherman who led the charge on this, because they recognize the importance of this to working people.

So we supported this process, coming into committee of the whole tonight, to allow the government to essentially undo, remove, take out the major portion of its own budget bill. The government is acknowledging and paying witness to the fact that they don't even have confidence in their own ability to deliver a budget. On the very day of their economic statement, they withdraw the major section of the bill.

This is a victory for working people. This is a victory for people who stood up for their pension rights so that no large employer could go in and take out the surpluses unilaterally.

Make no mistake: this is a huge defeat for Ernie Eves and the rest of the crew on the Titanic, because this government is withdrawing a key component of its budget bill. It is rudderless, it is leaderless, and there is an alternative. There is an alternative that has put forward progressive, forward policies on education. It's Dalton McGuinty and the Ontario Liberal Party. There is an alternative that will give fair and good government to this province, that will balance all of our interests, and that's Dalton McGuinty and the Ontario Liberal Party.

It's time for an election when a government withdraws its own bill. Let's go to the people. I am confident they will choose Dalton McGuinty and the Ontario Liberals in the next provincial election.

1730

**Mr Howard Hampton (Kenora-Rainy River):** I've got five minutes to run through a litany of government

errors in judgment here. But before I get into the government errors in judgment, I want to take people back to events that actually happened 20 years ago.

People in the labour movement will know about this. People in the labour movement will know when Conrad Black purchased Dominion stores, not because he knew how to run a supermarket chain—the guy didn't even know how to run a fruit stand. He wasn't interested in running Dominion stores; he wanted to get his hands on Dominion stores and shut the operation down, because he realized there was a pension surplus. He literally bought the store chain to get at the pension surplus. He literally bought the store chain because he recognized he could pick up an awful lot of money by shutting down the pension plan, winding it down and taking the surplus.

As a result of Mr Conrad Black's nefarious activity, there were a number of court decisions in the 1980s pointing out that pension funds should not be open to raiding by employers; that employers shouldn't simply be able to close down the operation and then take the pension surplus that might result. Legislation was actually introduced and regulations were passed to that effect.

There has been a body of judicial decisions over the last 20 years that points more and more in the direction that workers, the people who have contributed to the pension plan, should have greater control over the pension plan and certainly should have greater control should there be a windup of the pension plan and a surplus result, or if there should be a surplus from time to time. After all, it's their money. It's their deferred wages.

But along comes the Conservative government this fall, and in this legislation not only would they have permitted the Conrad Black scenario again—where another nefarious employer could come in, take over an operation, shut it down and make off with the pension surplus—they actually wanted to take the law back even further than that. They wanted to give employers the capacity to look at a pension fund and, if there was an apparent surplus from time to time, reach in and take the apparent surplus, no matter what it might do to the pension fund in the longer term.

Let's call this what it would have been, or what the government tried to do: it would be pension robbery. It would be literally taking money away from those hard-working people who have contributed to their own pension and their retirement fund. It would be stealing money from people who are retired and who also have an interest in a surplus that might result in the pension fund.

This government was asked time and time again to sever this from the legislation, to sever these amendments and get rid of them. Their first excuse was that they couldn't sever. Well, what are we doing here today? We're severing it; something the government initially said they couldn't do.

I want to pay particular tribute here to those working men and women who have forced this government to back off, forced this government to do what it said it couldn't do. In particular, I want to pay tribute to Gilles Bisson, the member for Timmins-James Bay, who on



November 5, along with my colleague Peter Kormos, raised this issue. I want to pay particular attention to the president of the Ontario Federation of Labour, Wayne Samuelson, who on November 8 came here to the Legislature and held a press conference with my colleague to let the whole world know what kind of pension theft was taking place. I want to pay tribute to a couple of the Liberals who got on the bandwagon a couple of weeks later, after we made it an issue; Liberals who got on the bandwagon two weeks late, after they had discovered that someone had made it an issue.

This is a victory for the labour community, this is a victory for the trade union community, a victory for the OFL, a victory for those hard-working women and men across this province who let this government know that they would not put up with it. As a result, we see the government backing down, we see the government forced to do the right thing.

#### *Interjections.*

**The First Deputy Chair:** Order. Further debate.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** It's a pleasure for me to rise and make a few comments with regard to Bill 198, An Act to implement Budget measures and other initiatives of the Government.

I must point out that there seems to be an awful lot of confusion on the other side of the House. First of all, the Liberals get up and take credit for the government removing the thing. Then I hear that the NDP are the ones who should be commended for eliminating part XXV. If I were to observe from this side, I probably would have to side with the NDP, because I think they were the first ones to bring this issue to the House. I think the Liberals were asleep at the wheel.

One thing I would like to point out is that when the bill was introduced—this bill has quite a few sections, I must admit; there are many issues that we deal with, but—

**Mr Dominic Agostino (Hamilton East):** Flip-flop.

**Mr Beaubien:** —we're always accused of flip-flopping.

**The First Deputy Chair:** The member for Hamilton East.

**Mr Beaubien:** Who is calling the kettle black here? I think they should look in the mirror on the other side of the House.

We did consult with people prior to introducing the bill. People had some concerns once the bill was introduced, and we listened to the people. Consequently, we're reacting. If you want to call this a flip-flop, go right ahead. I think this is responsible government that we are showing today. We're not afraid to face you people at any time, anywhere.

With regard to the bill, let's look at some of the other issues we are dealing with. We're dealing with tax incentive zones. You people on the other side of the House today were asking questions about the economic activity in Ontario. We're trying to do something in order to encourage economic development in some areas that are somewhat economically challenged. I'm sure the

member for Sault Ste Marie would support this type of motion. I know the member for Kingston and the Islands has a lot of difficulty supporting anything because all the good ideas come from that particular corner of the House.

With regard to the leader of the third party, he mentioned consultation. At least we have the guts to react when we listen to our constituents. I would ask you, when you introduced the social contract a few years ago, did you really listen to the people of Ontario? I don't think so. Maybe one or two individuals on that side, but there were not too many people.

So with this in mind, there is no doubt that we talked about not proclaiming part XXV of the bill, and consequently, if we're not going to proclaim it, I don't see anything wrong with taking it out of the bill. If you on the other side of the House consider that a major flip-flop, I don't think the electorate of the province will consider that a major flip-flop, because it is not. It is a concern they expressed to us—not only to me. I've had the opportunity to meet with labour leaders, with individual corporations in my riding, and some people had some concerns. There's no doubt that when there is concern, as a responsible government you should respond to the concerns of the people out there.

1740

**The First Deputy Chair:** Order. Shall part XXV of the bill carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the nays have it. The motion is declared lost.

Shall parts XXVI through XXX of the bill carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Shall schedule A of the bill carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Shall schedule B of the bill carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Shall the title carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Shall the bill, as amended, carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Shall I report the bill to the House? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Mr Chair, I move that we rise and report.

**The First Deputy Chair:** Shall the motion carry? All in favour will say "aye." All opposed will say "nay." In my opinion, the ayes have it.

Mr Speaker, The committee of the whole begs to report one bill with certain amendments and asks leave to sit again.

**The Acting Speaker (Mr Michael A. Brown):** Shall the report be received and adopted? All in favour will say

"aye." All opposed will say "nay." In my opinion the ayes have it.

### TIME ALLOCATION (continued)

**The Acting Speaker:** According to the unanimous consent that we had agreed to, we will now divide the time—

**Hon Mr Stockwell:** Mr Speaker, I think I can get consent that whatever time is remaining will be used first by the third party, then whatever is left will be used by us and at 5:50 the normal vote proceedings take place.

**The Acting Speaker:** Agreed? Agreed.

The member for Timmins-James Bay.

**Mr Gilles Bisson (Timmins-James Bay):** Thank you very much, Mr Speaker. I have a whole three minutes. I want to say that now that I have an opportunity to speak I want to talk about pension—no, I want to talk about funeral legislation.

I first of all want to bemoan the fact that yet again we find ourselves in a situation—

*Interjections.*

**The Acting Speaker:** Order. I need to be able to hear the member for Timmins-James Bay, and I really need your assistance so that we can conduct the remaining part of this afternoon with some degree of civility. The member for Timmins-James Bay.

**Mr Bisson:** I'll try that again. I was just saying that I yet again want to bemoan the fact that we have another time allocation in the House. Everything the government does, there's hardly a bill—I think there's not a bill in the House that has come before us that hasn't been time-allocated. At committee, we have the same thing. We have a process that we go through. For example, my good friend Marilyn Churley and I sat on two different committees today by way of time allocation. Here we are trying to deal with important bills, one on water privatization, mine having to do with consumer protection and a second bill on water privatization, and the government says, "We're going to do this by time allocation." So when my good friend Marilyn Churley tries to put forward some decent amendments to strengthen the bill, what have we got? We have a government that doesn't even give them the chance—not even a chance—to introduce the amendments. Why? Because the government time-allocates the bill. When I was in committee this morning trying to introduce amendments in regard to what was happening with consumer protection, we were again constrained by a time allocation motion. I've got to say—

**Ms Marilyn Churley (Toronto-Danforth):** It's a joke.

**Mr Bisson:** —not only is it a joke, it's really a disservice to the public. We're supposed to come to this House as honourable members from the government and opposition sides and try to strengthen legislation and to make proper decisions for the constituents we represent. But here's a government that by way of decree, of time

allocation motion, says, "You're going to have basically three days of second reading of a bill. On the fourth day of the bill, we're going to have a time allocation debate," as we're having today, and if the government is really good, they'll time-allocate a little bit of committee time. They'll certainly time-allocate the time at clause-by-clause to be able to amend the bill.

I say there's no opportunity to deal with the committee when it comes to these bills. For example, on this particular bill having to do with funeral directors, there's no committee time. I have in my hand here about five letters from different organizations, everything from my good friends at the Federation of Independent Business to people from the Ontario Provincial Synod and other people: the chambers of commerce of the communities of, I think this is—it's not Timmins. I thought it was one of mine; I grabbed somebody else's. The opportunity is not there for those progressive organizations like the Federation of Independent Business to present their amendments to the House. So friends of ours didn't get a chance to speak, and I want to, for once, defend the independent business federation and say, "You didn't get a chance because this government time-allocated yet another bill."

**The Acting Speaker:** Further debate?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I think an important part of the debate is actually making a decision. That's why I'm pleased that this motion for time allocation will allow us to move forward to an important part of the political process, which is actually to vote and to make a decision and to find out where people stand. I know having to come to a decision and take a stand is frightening to many members of the opposition. It's not hard for the New Democrats, because they know where they stand. When we vote on things, it's interesting to know where the Liberals stand. They may have changed their mind; I don't know.

*Interjection.*

**Hon Mr Baird:** Particularly the member from Hamilton will have to decide where he stands.

I think there are a whole lot of people around Ontario who are supporting this legislation. I know John Cole from my constituency, who operates a funeral services establishment, has written to Minister Hudak. Let me read the letter, if I could. Oh, this is actually from Laurie Cole, who is the president of Cole Funeral Services.

"As the president of a family-owned funeral home, I am writing to thank and congratulate you on the introduction of Bill 209...."

"As you know the industry has been seeking changes to existing legislation for some time now and speaking for my own company [we support] your efforts entirely...."

"In closing, I am looking forward to implementing these new changes, thus enabling us to offer the families we serve more choices for funeral, burial and cremation services."



It's signed by Laurie Cole, the president of Cole Funeral Services.

John Cole, whom I mentioned, who is an outstanding business person in Ottawa and someone who has made a tremendous contribution to our community with Pinecrest Remembrance Services, writes to Minister Hudak that he is also in support of this legislation.

There are still others from eastern Ontario, such as Brent Irvine of Irvine Funeral Home and Chapel in Brockville, Ontario. That's good news, and he certainly supports this important piece of legislation.

There are very many more: from the Simple Alternative Funeral Centres in Toronto, Ontario. There's Eileen Fitzpatrick, the president of Canadian Memorial Services, and they are supporting this important legislation.

This motion allows us to move from debate into decision mode. That's something that's welcomed not just by Minister Hudak but by Jon Clancy, who has been working very hard on this piece of legislation, who wants some information; and Paula Day, who has been working very hard today at the House to ensure—

**Hon Tim Hudak (Minister of Consumer and Business Services):** And big Al MacDermid.

**Hon Mr Baird:** Big Al MacDermid, the minister from Niagara says.

So I look forward to finding out where people stand on this issue. Let's get on with the debate. Let's pass this bill at second reading and move on to other important initiatives for the people of Ontario, like the hydro bill, which we hope to call this evening, where we can cap hydro prices for consumers in Ontario.

**The Acting Speaker:** That completes the time allocated for debate.

Mr Hudak has moved government notice of motion number 80. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1750 to 1800.*

**The Acting Speaker:** All those in favour will please stand one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Guzzo, Garry J.	O'Toole, John
Baird, John R.	Hardeman, Ernie	Ouellette, Jerry J.
Barrett, Toby	Hastings, John	Runciman, Robert W.
Beaubien, Marcel	Hodgson, Chris	Sampson, Rob
Chudleigh, Ted	Hudak, Tim	Spina, Joseph
Clark, Brad	Johnson, Bert	Sterling, Norman W.
Clement, Tony	Kells, Morley	Stewart, R. Gary
Coburn, Brian	Klees, Frank	Stockwell, Chris
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tsubouchi, David H.
Dunlop, Garfield	Mazzilli, Frank	Tumbull, David
Ecker, Janet	McDonald, AL	Wettlaufer, Wayne
Elliott, Brenda	Miller, Norm	Wilson, Jim
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Mushinski, Marilyn	Young, David
Gill, Raminder	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Di Cocco, Caroline	Martin, Tony
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Patten, Richard
Boyer, Claudette	Gerretsen, John	Peters, Steve
Bradley, James J.	Gravelle, Michael	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Prue, Michael
Caplan, David	Kennedy, Gerard	Ramsay, David
Christopherson, David	Kormos, Peter	Ruprecht, Tony
Churley, Marilyn	Kwinter, Monte	Smitherman, George
Colle, Mike	Lalonde, Jean-Marc	Sorbara, Greg
Cordiano, Joseph	Levac, David	
Crozier, Bruce	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 37.

**The Acting Speaker:** I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

*The House adjourned at 1803.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

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Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)	London West / -Ouest	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Mississauga Centre / -Centre	Sampson, Rob (PC)
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
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Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
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Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
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Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
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Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 4 December 2002

Mercredi 4 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 4 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 4 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

#### LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on November 20, 2002 on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated November 25, I am now required to put the question.

On October 24, Mr Stockwell moved second reading of Bill 191. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I'd like to request that the vote on Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle, be deferred until December 5, 2002." So be it.

### KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002

#### LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINTE (MESURES BUDGÉTAIRES)

Resuming the debate adjourned on November 19, 2002, on the motion for second reading of Bill 198, An Act to implement Budget measures and other initiatives

of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated November 21, 2002, I am now required to put the question.

On November 7, Mrs Ecker moved second reading of Bill 198. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I'd like to request that the vote on Bill 198, An Act to implement Budget measures and other initiatives of the Government, be deferred until December 5, 2002," signed the Honourable Doug Galt, MPP, chief government whip. So be it.

### ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

#### LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Resuming the debate adjourned on December 2, 2002, on the motion for second reading of Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

*Interjections.*

**The Deputy Speaker (Mr Bert Johnson):** Maybe we'd like to take a few minutes and anybody that wants to yell back and forth, just go ahead and do that, and then we'll get on with the business.

*Interjections.*

**The Deputy Speaker:** OK, now you've had that. I'd like your attention voluntarily in here, or somewhere else, otherwise.

Pursuant to the order of the House dated December 3, 2002, I'm now required to put the question.



On November 27, Mr Baird moved second reading of Bill 210. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*Interjections.*

**The Deputy Speaker:** No, I'm sorry. That time has passed. We're on to something else now. There's no yelling back and forth.

"Pursuant to standing order 28(h), I'd like to request that the vote on Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity, be deferred until December 5, 2002," signed the Honourable Doug Galt, MPP, chief government whip. So be it.

The Chair recognizes the minister from Nepean-Carleton.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I am so impressed that every New Democrat is here in the House tonight that I'm prepared to stay until 9:30 and debate. Otherwise, if there's not agreement to do that, I'd ask for unanimous consent to call Bill 210 for third reading debate.

*Interjections.*

**Hon Mr Baird:** Oh, sorry. I can't do that.

I move adjournment of the House, Mr Speaker.

**The Deputy Speaker:** Mr Baird has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. The motion is carried.

That being the business of the House for tonight, this House stands adjourned until 10 am tomorrow.

*The House adjourned at 1852.*

# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 5 December 2002

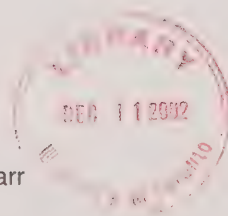
Jeudi 5 décembre 2002

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 5 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 5 décembre 2002

*The House met at 1000.  
Prayers.*

### ORDERS OF THE DAY

#### RENT FREEZE AND RENT CONTROL ACT, 2002

#### LOI DE 2002 SUR LE GEL ET LE CONTRÔLE DES LOYERS

Mr Prue moved second reading of the following bill:

Bill 215, An Act to amend the Tenant Protection Act, 1997 / *Projet de loi 215, Loi modifiant la Loi de 1997 sur la protection des locataires.*

**The Deputy Speaker (Mr Bert Johnson):** According to the standing orders, the member has 10 minutes to make his presentation, and then we'll go in rotation.

**Mr Michael Prue (Beaches-East York):** This bill does two things: first of all, it implements a two-year rent freeze for the tenants of the province of Ontario; second, it stops the practice of vacancy decontrol whereby when a person leaves an apartment or tenancy and it becomes vacant, the landlord can charge whatever the market will bear.

The policies of this government have been a total disaster when it comes to housing since the Tenant Protection Act and indeed even before that, since 1995. In this province since 1995 there has been virtually no affordable housing built in any of Ontario's major cities, since the coming to power of this government. People with modest incomes are finding it increasingly difficult to find a place to live.

In 1997, the Tenant Protection Act was proclaimed. Part of the hallmark of that act was to allow for vacancy decontrol, which, as I have described, would allow the market to dictate how much an apartment rent could be increased whenever a tenant moves out of a unit and allows it to become vacant. As a result of that, rents have skyrocketed throughout Ontario's major cities, and apartments which at one stage were formerly affordable to the vast majority of Ontarians have now become increasingly unaffordable.

Added to this, the Tenant Protection Act allowed for above-guideline increases, which in many, many cases for people who reside in Ontario have forced rents above the rate set by statute each year at which rents would normally be allowed to rise. Rents have gone up across

the board in major cities like Toronto by an enormous amount. Since 1997 in the city of Toronto, or the case management area of Toronto, rents have increased by \$226 on average. This is an unconscionable amount of money for people on fixed or moderate incomes to be forced to pay. It is similar in other major cities. The cities of Ottawa, London, Peterborough, all the area around the greater Toronto area, have seen increases very similar to those being experienced in Toronto.

Just so people understand what above-guidelines increases are, the guideline is set yearly by the province of Ontario and is no secret. It usually includes the cost of inflation for the year before plus 2%. So if inflation is at 2%, you can expect a guideline of somewhere in the neighbourhood of 4%. But I would suggest that setting a guideline of 4%—or 5% for next year because inflation is starting to creep up a little—is not going to solve the issue.

People cannot and can no longer afford the kind of rents being charged in this province. In fact, if you look at what the average rents are—and I've got some of the average rents. This includes all units: one-, two- and three-bedroom all mixed together. If you look, in Toronto central the average rent is now \$1,075, in Etobicoke it's \$1,055, in Scarborough it's \$1,018, in the northeast portion of North York it's \$1,155, in Mississauga it's \$1,046, in the northeast section of Mississauga it's \$1,050, in Brampton it's \$1,070, and in Oakville it's \$1,001. That's just to give a few examples of what average rents have become in and around the Toronto area.

There is also the problem of above-guideline increases. Tenants all over this province a few years ago were forced to pay money because landlords did not protect themselves during the energy spikes. When natural gas prices went up, tenants were required to pay for those. When natural gas prices, however, went back down, tenants were not reimbursed, because the Tenant Protection Act does not allow for costs no longer borne. The tenants continue to pay.

This government is attempting to allow the continuance of the problem of above-guideline increases. Quite recently, the Associate Minister of Municipal Affairs met with housing advocates in Ontario to talk about capping above-guideline increases—not doing away with them but capping them at 1%; a hard cap, as she calls it. Quite frankly, this is not fair, because there is no provision in the law to take out those costs which are no longer borne. You cannot cap above-guideline in-



creases at 1% and instruct people to continue to pay that year in and year out even when those costs are no longer borne.

Much has recently been made by the government and the landlords' lobby that costs are going to start coming down because vacancy rates are increasing. This, I would suggest to all members of this House, is not a logical argument. Vacancy rates are starting to go up in some of Ontario's major cities, but, with the greatest of respect, this does not address the issue. The issue is that the vacancy rates are going up on those apartments above \$1,200 to \$1,500 to \$1,700 in rent. People who can afford to pay \$1,700 in rent are finding that home ownership is not an onerous task. If they can afford \$1,700 per month to rent a one- or two-bedroom apartment, then they can afford \$1,700 a month to carry a mortgage.

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But this does not hold true for those people who are renting in the \$700 to \$800 to \$1,000 range. They cannot afford the mortgage, and their rents are not coming down. They are continuing to be hurt by above-guideline increases. They are continuing to be hurt by the \$226 that they have been paying over and above what they paid five years ago, and their rents will continue to climb, because the vacancy rate at the level below \$1,000 in the case management area of Toronto is and continues to be around 1.5%, which is not enough to affect those rents. Therefore, the people who are least able to afford the rents are going to see their rents continue to increase at amounts above the inflation rate. Those who are able to pay any increase like that are taking the option of buying into luxury condominiums or homes and the urban sprawl that comes with them.

The policy is simply bad. What we need in Ontario is a cooling-off period, particularly for those people of low to modest income. Those people are the ones who require our protection. Those are the people who require an opportunity to get their lives back in order, to get their finances back in order, and it is to them particularly that we owe a cooling-off period. If landlords are now saying that they are able to reduce the increases, then surely it will not be a problem for the landlords if we impose this rent freeze at this time. Equally, it should not be a problem for landlords with vacancy decontrol. If the numbers of apartments are becoming more and more available due to the building boom of high-end condominiums and homes, then surely landlords would not be seeking the increases in any event.

We are finding that so, so many of the people of modest income are being forced into paying rents they can no longer afford. Recently, a woman in her 80s came into my constituency office with tears in her eyes. She was being stuck with another increase, another increase which to her was astronomical. It was only at the guideline, but this followed years of 4%, 5% and 8% increases, and she no longer had the money to stay in her apartment. She did not know what to do. This government has not done anything to help her. She wanted to know how to fight. I told her to watch today how

members of all three parties are going to deal with a problem that is now singularly beyond her control.

I would invite all members to think of your constituents. I would invite you particularly to think of the poorest ones, who cannot afford the rent and who cannot afford for the landlord to increase their rent in the coming years, and vote for this bill.

**Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing):** It's my pleasure to speak on Bill 215 today. I'm going to be speaking against the bill and I'll explain why.

The Tenant Protection Act is very important legislation in Ontario. It establishes an annual rent increase guideline to protect tenants against rent increases, and it allows landlords to set rents at market value when the unit becomes vacant. In other words, it's fair to the tenants and it's fair to the landlords. What Bill 215 would do is undermine that balance. In fact, Bill 215 would take us back to the days when new rental housing was scarce and existing housing stock was falling apart, requiring billions of dollars in repair. That's not the direction this government wants to go.

Let me remind the House why our government passed the Tenant Protection Act. Rent controls discouraged new private rental construction in Ontario for more than two decades. They created a massive bureaucracy, which meant it took months to resolve basic disputes between tenants and property owners, and they led to the neglect of the rental housing stock.

Let's remember that under the former Rent Control Act, some rental buildings had hundreds of outstanding work orders against them. It was our job as a government to change that environment, so we set out to design legislation that would protect tenants from unfair rent increases and arbitrary evictions, help create a climate in which people would invest in rental housing, streamline administration and dispute resolution and improve building maintenance.

Since its implementation four years ago, the Tenant Protection Act has made headway in each of these three goals. We are now seeing the healthy vacancy rates in many communities, meaning tenants in these areas have better housing options, and rent increases are in check. More than \$283 million has been invested in capital repairs, upgrades and maintenance in the repair of rental units across this province. Rental starts have increased substantially. In fact, between 1995 and 2001 the number of rental units under construction jumped by almost 500%, to 2,717 from 550, and there were more than 3,100 rental starts between January and October 2002. We don't want to reverse these trends. We don't want to return to the days of no private new construction and the billion-dollar boondoggles of the previous two governments. The honourable member from Beaches-East York says he has introduced this bill in the interests of tenants, but tenants are not protected when rental housing starts are at a standstill.

I have talked about the primary benefits of the act, how it limits arbitrary rent increases, encourages new

rental starts and improves maintenance, but there are other benefits worth mentioning here at this time. The act also preserves tenure protection for tenants. It includes strong anti-harassment provisions that protect both tenants and landlords. It allows tenants to apply for relief from the Ontario Rental Housing Tribunal, and for abatement in rent in cases where there has been harassment.

In addition, the Tenant Protection Act provides for automatic rent reductions where municipal property taxes have been decreased. It increases the powers of municipalities to enforce property standards bylaws, and with the Ontario Rental Housing Tribunal, it gives tenants and landlords an efficient venue for resolving their disputes through mediation and adjudication.

The Tenant Protection Act ensures that tenants are protected and that landlords can protect their investments and effectively maintain their properties. Bill 215 is a step backwards. It asks us to undo the good work that's been done with the Tenant Protection Act and all the improvements that are now happening with all our buildings.

Mr Speaker, I thank you for the opportunity to speak on this bill today, and I would encourage the members of the House to seriously consider how they vote on this issue. We don't want to go back to the days of rent increases and rent control. When they talk about rent control, they are out of control.

**Mr Dominic Agostino (Hamilton East):** I'm certainly pleased to speak to this legislation this morning. I've looked at it and thought I would go through and take a look at the Web site of the party of the member who brought this forward, and I have to be honest with you: I'm a little confused right now. This morning I downloaded the NDP policy on rent control from their Web site, and it says, "Lower rents for Ontario tenants? The NDP says, 'Roll back rents and bring in rent control.'" Then I downloaded another one from the NDP, and it says, "The NDP says, 'Freeze rents and bring in rent control.'"

So I'm a little bit confused as to where the party actually stands on this. The member this morning brings in a resolution that says to freeze rents. I think he ran on the commitment to roll back rents in the by-election. And as of this morning, his Web site still says that the NDP is going to roll back rents. I really don't know which part of it to believe. Maybe my colleague can clarify later if their position today is to roll back rents or freeze rents. Frankly, this is cute political grandstanding. We understand that. The reality is that you need a plan that's going to be workable; you need a plan that is going to actually help tenants in Ontario.

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Let's just make it clear that during the time period the NDP was in power, rents went up by about 23% for tenants. So if tenants are looking to the NDP for protection, they certainly had their chance in their time in government to do that. Did we see rent freezes under the NDP government? I don't remember that, no. Did we see rollbacks under the NDP government? No, I don't

remember that. So clearly, it becomes a question of credibility. When you have the luxury of knowing you're not going to have the opportunity or the possibility of governing, you can say anything you want; you can run on anything you want.

What I ask tenants across Ontario is, do you really think in your heart of hearts, regardless of what they promise you, that Howard Hampton and this bunch over here are going to form the next government of Ontario? They can answer that question in their own minds. They don't have to answer it to me or anyone else. Are they going to realistically implement what would be a disastrous plan?

Like this government here, the Tories—we have two extreme positions that do not meet the needs of tenants. You've got an unrealistic, unworkable plan on this side from the NDP and then, of course, you've got a government that for seven years has been in the back pocket of developers. They brought in a plan that shafted tenants across Ontario. They brought in this vacancy decontrol, as they call it. They went to their friends, the landlords, the developers, and said, "How can we best help you?" and they drafted a plan and the Tories introduced it. So now tenants in Ontario, under the Eves-Harris government, when you leave your apartment unit, when you move to a new unit, have absolutely no protection at all. The only protection you have is the generosity of the developer and the landlord. That is what they have done.

This has been the worst case. This has been a gift for their friends by the government at the expense of tenants. Tenants have felt trapped in their apartments under the Tory government plan, because if they dared move, their new unit would be under absolutely no control whatsoever and only at the whim of the landlord or the developer. So they've stayed in substandard conditions and often they've been pushed out by unscrupulous landlords, forced out so they can rent that same unit for a much higher rent. That's the legacy of the Tory government. Developers and landlords never had it so good in this province as they did under the Harris-Eves government.

Both of those positions are not workable. I want to spend a couple of minutes talking about what a real plan is for dealing with this problem in Ontario, and that is the plan unveiled by my leader Dalton McGuinty, when it comes to fixing housing. We understand there's a balance necessary. We understand that you need a balance, that in order to deal with the affordable housing crisis there has to be a balanced plan in place, a plan that would have real rent controls, that would ensure that the unfair and illegal increases faced under the Tory government will not happen. A Dalton McGuinty government, within a year, will bring in legislation that will be fair, rent controls that will be fair, and we will protect tenants.

That's only one part of this puzzle. This government signed what is really a sham, a hoax of a deal, with the federal government to bring new money in. The federal government came to the table and said, "We will put in \$245 million of new money." This government signed



this phony deal. However, understand this: in the way they signed this agreement and the way they're implementing it, not one new cent of provincial money will go into housing in Ontario with the federal deal that the Tories signed, because they're asking the municipalities to put in their portion of it. There's no new money. Under a McGuinty government, we have committed to matching the funds the federal government puts in—new money and land—in order to ensure that we take full advantage, and we will ensure there are 20,000 new units on the market as a result of our co-operation with the federal government and the municipalities.

This plan that the NDP has will not bring anything new on the market, and we know clearly what this government has done since 1995. They've walked away from any involvement in non-profit housing. Clearly, we are going to ensure that within the first mandate, 20,000 new units come on the market. We're also going to do what the Tories promised in 1995—another promise made, promise kept in the Mickey Mouse revolution. They said that they were going to bring in a shelter allowance.

**Mr David Caplan (Don Valley East):** Whatever happened to that?

**Mr Agostino:** What happened to that promise? They said they were going to bring in a shelter allowance to help tenants, working people who are at the lower end of the economic scale, who were having a tough time paying their rent. They haven't done it. We're going to do it. We have committed; Dalton McGuinty has committed. We're going to bring in a shelter allowance for 35,000 low-wage earners in Ontario to help them. We're going to ensure that these folks can use that allowance and find a place to live. We're going to build more housing. We're going to have rent controls. It is part of a package; it is not in isolation.

We also understand that people sometimes struggle to pay their rent from month to month, and under the Eves government, Tory government rules, evictions are very common for \$500, \$600 or \$700 in rent that you haven't been able to pay because you've been sick, you've lost your job or other situations have come up. We're going to establish a rent loan bank in Ontario. We're going to put \$10 million into this so that people can apply and come forward and say, "I'm struggling, I can't pay. Here's the reason why." We're going to help you.

**Interjection:** They did it in the city of Toronto.

**Mr Agostino:** It has worked to some degree. As we look at this package—

*Interjection.*

**Mr Agostino:** Yes, I understand that my colleagues across the floor have a problem with helping people not get evicted. I understand that. Because if you evict them, then your landlord and developer friends can simply turn around and hike the rents. I understand that's what you want. That's not what we want.

My time on this issue is limited. I am sharing with my colleague Mr Caplan, so he's going to go on more. But let me tell you that clearly the NDP plan is unrealistic

and unworkable. They ain't going to govern. I'm telling tenants, don't listen to what they have to say. You've seen what the Tories have done to you. There's only one plan, and it's Dalton McGuinty's plan for housing, to fix this problem in Ontario.

**Ms Marilyn Churley (Toronto-Danforth):** I would say, with all due respect to the member for Hamilton East, that's what they said in 1990, too, before the election, that the NDP didn't have a chance of winning government, and we certainly did. I would say to all members that, first of all—

**Mr Agostino:** They won't make that mistake again.

**Ms Churley:** He's getting scared over there, as they go down in the polls and we go up.

*Laughter.*

**Ms Churley:** The reality is, though, as you laugh at that, I would say to all of the tenants out there, Mr Agostino was not in this House when we took over government after the Liberals had reigned and rents were going up 30% to 50%. There was a crisis in our housing market out there, and the NDP came in with a real rent control plan—not a balanced plan, as the Liberals like to talk about. They didn't support it because it wasn't balanced enough. In some issues, you've got to pick sides. Let me tell you, the NDP, while in government, picked sides. We picked the side of the tenants and we brought in real rent control, tough rent control, the toughest rent control in North America, which the Liberals and the Tories did not support.

They're saying the same thing today: they will bring in a balanced piece of legislation. Let me tell you what "a balanced piece of legislation" from the Liberals means. I would say to tenants, be very wary of Liberal promises on rent control, because as I already said, when they were in government, rents went up from 30% to 50%. And not only that, but the Liberals' new plan, which they're going to be bringing in to the election—are you ready for this?—has received the endorsement of ResREIT CEO Dino Chiesa. Do you know what that is? It's Toronto's largest private sector landlord. The former head of Ontario's landlord lobby acts as McGuinty's chief of staff. And you want to know why their so-called tenant protection legislation is balanced? Listen closely. Be wary, because the Liberals promise no rent controls if vacancy rates rise to a reasonable level. Doesn't that sound just like the Tory plan? That means tenants in many Ontario communities will be worse off than even under the Conservatives. Analyze this plan. You will see it.

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The Liberals also seem to be under the illusion, just like the government, that the private sector will build affordable housing in low-vacancy, high-rent communities like Toronto and Ottawa. We were laughing hysterically when a Tory member was speaking about that very issue, because the experience under the Tory legislation of the past four years would surely put that notion to rest.

These Liberals get up and laugh at the NDP, when they're the ones, along with the Tories, who voted against the NDP real rent control. Now they sit there laughing and saying, "We've got a plan for the tenants in Ontario." With the plan they have—just like the Tories—they're going right into the pockets of the developers. The reason they get up and laugh today is because they know it, and they should be ashamed of themselves. You are not going to fool the tenants of this province with your crummy piece of legislation to try to deal with a really serious problem in this province.

You come to my riding and you talk to the seniors in my riding.

**Mr Agostino:** Don't lecture me. I've got more tenants—

**The Deputy Speaker:** Member for Hamilton East, come to order.

**Ms Churley:** They need real rent control. They need a freeze on rents and they need it now. You should stop laughing today—

**Mr Agostino:** Come to my riding.

**The Deputy Speaker:** I will not warn the member for Hamilton East again.

**Ms Churley:** —and agree with the NDP and support this freeze.

**Mr Agostino:** Give me a break.

**The Deputy Speaker:** Order. I'm naming the member for Hamilton East, Mr Agostino.

*Mr Agostino was escorted from the chamber.*

**Ms Churley:** I'm done.

**The Deputy Speaker:** Further debate?

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):**

It's certainly my pleasure to speak on this proposed bill, Bill 215. In essence, the bill proposes to amend the Tenant Protection Act, 1997, to establish a two-year rent freeze and to eliminate vacancy decontrol. The rent freeze they're looking for is from December 1, 2002, to November 30, 2004. This is a very difficult issue. We've heard from the Liberal side and the NDP side. It's a balancing issue in terms of landlords and tenants. That's been going on for many, many years.

In our view, the Tenant Protection Act is fair for both tenants and landlords. It provides strong tenant protection and allows landlords to operate and adequately maintain their properties. We do have a rent control system in this province in terms of fairness to the tenants and also to landlords in terms of the Ontario Rental Housing Tribunal, in terms of very clear rules and regulations, in terms of how rents are increased, and how tenants can seek protection and how landlords can seek to increase safety and improve the buildings in line with these guidelines.

So we have a regulatory system with respect to rent control and it's been in place for many years. Because there was a vacancy problem with respect to rental units, we made some subtle changes with respect to ensuring that there would be an increase in construction with respect to rental units, and in fact, that's what is happening. It has been positive with respect to increasing the

inventory which is needed out there. We don't need any more controls with respect to the rental industry because, quite frankly, some people could tell you that it's more than adequately controlled.

I was listening to the member from Hamilton East outlining the Liberal plan. I don't know how much money this is going to cost the province, but I certainly can see that based on the Peterson's government approach to the rental industry, it's going to increase taxes and it's certainly going to cost a lot of money with respect to what they're talking about.

They've got a number of areas they're talking about. They're going to bring in rent controls. There are already rental controls out there in terms of the rent control system. What are they talking about?

The second thing is they're going to bring in around 20,000 new units with respect to that. We don't know how they're going to do that, but I think they'll be talking to their developer friends in terms of how that's going to be done. They've probably already figured out how that's going to be done with respect to how they're going to bring those on. Certainly any developer that was closely aligned with the Peterson government benefited by some of the nonsense that went on with respect to making sure that units out there were adequately paid for. They also have this shelter allowance program that they're going to come up with for 35,000 individuals. Then we also have this rental fund, which is going to be \$10 million in terms of a part of their program.

What we're talking about here is, who is going to benefit from that? Obviously that money is going to go into the pockets of developers. That's where it always ends up going. What we're here to do is make sure that there is an adequate supply of rental housing out there to make sure that there are fair prices and let the market work.

The market is working. The number of new rental units being built has also increased as landlords have incentive to develop new housing stock. This creates a balanced market with fair rental prices. This is again a positive situation for tenants.

In my area of Barrie-Simcoe-Bradford, we have affordable housing and the rental vacancy rates have increased significantly. That's because of the policies that are in place in terms of fair housing.

In Toronto, the condo boom—I understand that in July of this year there were building permits sent out for over 60,000 new condo units in Toronto—has resulted in people leaving their rented units to go into these condo units, which they can afford to pay for, resulting in a very significant vacancy rate out there. When you have a significant vacancy rate, landlords have to adapt to the market out there in terms of making sure their rents are fair. Toronto has benefited by a condo boom since 1996 and it continues.

Landlords are now reinvesting in their buildings. The Ontario Rental Housing Tribunal reports that up to \$80 million annually is being invested by landlords in their rental housing properties. Only \$2.5 million was spent by



landlords in the final year that the previous legislation was in effect. It doesn't take a lot of imagination to see how low spending on maintenance would lead to deteriorating housing units.

I want to close because I want to let my friend from Parry Sound-Muskoka speak. But the bottom line is that the market forces are in play and they're ensuring there are rental vacancies out there. We do not need to make any of these changes, because we do have a very regulated rental housing industry and it seems to be coming around with respect to having landlords invest in new properties.

**Mr Caplan:** I appreciate the chance to speak to Bill 215. I want to cast my mind back to a couple of months ago. I was out campaigning with Bob Hunter, the Liberal candidate in the Beaches-East York by-election. I remember that Michael Prue, the candidate for the New Democrats, was talking about rent rollbacks. What happened? Why has he changed his mind about rent rollbacks? It's now a two-year rent freeze, and then, God knows what happens after that. Was it the fact that a rent rollback was one of the most impractical suggestions that the NDP has ever made? I think that may be it: a move that would kill any hope for development of rental housing in Ontario, probably, although it still remains an option in the policy document posted on their Web site. Here you have a case of the NDP saying one thing in one place and saying something different in another place. I don't think they have a real policy when it comes to protecting tenants, when it comes to having a well-thought-out plan.

It's also interesting that my colleague is talking tough about rent controls. It was only a few short months ago that the leader of his party was speaking at the Association of Municipalities of Ontario. He said that there would be flexibility in the rent control system imposed by the NDP. In fact, I have right here his remarks from AMO on August 20, where he said, we will "implement a two-year rent freeze and re-establish rent control with some exceptions if the vacancy rate was higher than 3%." Certainly a different story than what we're hearing today, what we heard back in the Beaches-East York by-election and what we just heard from the member for Toronto-Danforth. It's interesting that the members aren't going to talk about that part of their plan today.

As an aside, it's now interesting that Michael Prue, the member for Beaches-East York, thinks that rents are at an acceptable level. He wants to freeze them at today's level. If he didn't, he wouldn't have changed his position on a rent rollback and introduced a bill to freeze rents at today's level.

It's nice to see the NDP is following our lead on some of the real reforms needed to the Tenant Protection Act. Members will recall several bills that I have proposed in this House. First there was Bill 36, which would have made some real and needed changes to the operation of the Ontario Rental Housing Tribunal, matters involving security of tenancy, evictions, arrears and damages. Notice of hearings would have been sent directly to

tenants by the Ontario Rental Housing Tribunal instead of depending on delivery by landlords. Credit records of tenants would have been updated when payments were made in arrears or eviction orders withdrawn, contrary to the practice now. Eviction orders not executed would expire after six months. In addition, maximum rent would be eliminated entirely.

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Next I introduced a bill called the Affordable Housing Incentives Act. It was because members of the Liberal caucus realized that what we really need here is reasonable and strong tenant protection and a workable strategy for the development of new rental housing. That is ultimately one of the best protections tenants can have: to have some consumer choice and ability to get into some new low-cost, affordable housing. I introduced this bill to allow municipalities to offer incentives for the creation of affordable rental housing. I want to give credit where credit is due: I was pleased that the government did adopt this measure by regulation through the Municipal Act, and I do want to put that on the record.

But I wasn't finished there. I introduced Bill 134 and we debated it in this House. Bill 134 would bring back costs-no-longer-borne provisions, in fact a real rent reduction for tenants in the areas of above-guideline rent increases. It is a measure that would have given tenants some real relief. I'm surprised that my colleague from Beaches-East York didn't introduce it in his bill today. It was relief based on decreasing costs for landlords, not an arbitrary decision to freeze rents for a time, really based on nothing except the fact that those are the rents in place today.

Nowhere in Bill 215 is the issue of these permanent, above-guideline rent increases that tenants are facing and are really struggling with. If the member for Beaches-East York wanted to be constructive in the policy about-face he's doing today, maybe he should have thought of reintroducing the suggestions around costs no longer borne. Even the government is rumoured to be contemplating my changes, the provisions I put in Bill 134—which they already defeated, by the way. Maybe the member for Beaches-East York should be thinking about that when he talks about the need for tenants to get some real rent relief.

I want to take a couple of moments, because I don't have very long, to remind the House that there is a well-thought-out, doable, workable plan here in the province of Ontario, a plan that will bring balance to the rental market and will actually build some housing, and that is the Ontario Liberal Growing Strong Communities plan. It is a good plan, it is a smart plan, it is a bold plan, it is an ambitious plan, and I'm proud to stand behind it and talk a bit about it here today.

We're committed to increasing the investment in affordable housing by partnering with the federal government to provide affordable housing for 20,000 families—\$250 million, matching the federal contribution. We're also committed to making government-owned land available for affordable housing, providing a housing allow-

ance for 35,000 low-income families, ensuring real rent control protection for tenants, establishing a provincial rent bank, and establishing the Ontario mortgage and housing partnership.

These measures are reasonable and doable. Let's talk about what some of them would mean for tenants. We will repeal the Harris-Eves government Tenant Protection Act. We will bring back real rent control. We will get rid of vacancy decontrol; it will be gone. We will always protect tenants. Where there are low vacancy levels, tenants will be protected by real rent controls, and when there are high vacancy levels, tenants will be protected by having choice, by having a market that suppresses rent increases below those permitted by rent control. Our new tenant protection law will protect tenants, in situations of high vacancy levels, against unscrupulous landlords who attempt economic eviction by way of selective and excessive rent increases. Rent controls will remain in place whenever vacancy rates are below the threshold at which tenants have real choice.

It is a comprehensive plan. It's a smart plan, an ambitious and doable one.

**Mr Gilles Bisson (Timmins-James Bay):** I really was looking forward to participating in this debate because, as my colleague knows, I used to be the housing critic and was a member of the NDP government that brought in real rent control.

Let's just put this debate into perspective. What the member for Beaches-East York is trying to do is institute a two-year rent freeze because of what's happening in the market. We've got rents going through the roof. People who can't afford to keep their apartments are moving out to cheaper accommodations because they can't afford the increases on top of everything else that's going on in their lives, like hydro and gas increases.

The second thing the member wants to do is put an end to what the Conservatives have developed, which is vacancy decontrols; that is to say, there's no rent control on a unit once the tenant moves away. So let's say the rent is \$700 a month for an apartment in downtown Timmins. There's rent control on it—a form of rent control that is pretty weak, mind you—as long as a person lives in it. But if the person moves away, the landlord can jack it up to \$1,200 a month and there's absolutely nothing wrong with that, according to what the Tories have done. We're opposed to that, and that's why my good friend the member for Beaches-East York, who is our municipal affairs and housing critic, has put forward this idea of saying, "Let's scrap vacancy decontrol."

How did we get into this mess in the first place? Let's start from the beginning. Through the 1970s, and especially into the 1980s, rents were skyrocketing. They were doing basically what they're doing now. There was a hue and cry from the public, from cities and communities across Ontario, that said, "We call on the provincial government to do something, because people can't afford to pay their rent." You were having 10%, 15% and 25% increases in one year, and as high as 50% in some cases, because there was a shortage of apartments available and

landlords were taking advantage of what was a short market. As a result, our party, the New Democratic Party of Ontario, led first by Stephen Lewis and then by Bob Rae, put a lot of pressure on the Conservative governments to put in place a form of rent control. Rent control was instituted in this province. It was weak at the time, but nonetheless it was a form of rent control put in by the Davis Tories.

When we became the government in 1990, we instituted a real form of rent control that said there was an absolute cap on how much people were able to raise rents, and the only time people were allowed to go above the cap was if serious repairs had to be done to the building, and then they were only temporary. So the situation was that you had an absolute cap on how much people's rents were allowed to go up under NDP rent control. The only time the landlord was allowed to go over that was, let's say, if the roof needed repairs. They would cost how much a roof was and put that into the rent for a period of three, four or five years in order to recoup it, but then that charge came off your rent. So you had real rent control.

Who voted against that? The Liberals. At the time, the leader of the Liberal Party was Mrs McLeod, the member for Thunder Bay. The Liberals stood up and opposed real rent control along with the Tories. They fought us tooth and nail. They were saying this was bad, this was terrible, we were doing a disservice to the public of Ontario. But the reality is that the only time we had real rent control in this province was the five years when the Bob Rae NDP government was in place. Who fought against that every step of the way? It was the Liberal caucus along with the Tories.

So the Tories came to power, scrapped our rent control legislation and put in vacancy decontrol. And now we've got the Liberals, who basically have moved over to where the Tories are on the issue. At one time they at least purported to be somewhat progressive on rent control, but now when we look at the Liberal plan on rent control, what are they calling for? They're saying, first of all, that if the market is such that there's a reasonable availability of rental units on the market, they would remove rent control altogether. They're advocating that there need not be any rent control system in a market such as Toronto.

Under the legislation they would like to bring forward, if there's vacancy in the units available in the city like Toronto or anywhere else, they argue, "Take rent controls out." The Liberals are standing here saying, "Look at what the NDP is proposing on rent control." We have a plan that speaks to tenants. We're clear about what side of the debate we fall on. We're not trying to be on both sides of the same issue at the same time. The Liberals go into one room with their landlord-developer buddies, where they get the big cheques for their campaign, and say, "Don't worry, we're going to be good to you landlords." Then they run off to the rent control meetings and say, "Don't worry, we're with you, because we believe in tenants and we want to do everything right for



tenants." They've got a policy that speaks to both sides, to both groups at the same time. I say that's duplicitous. At least I know what the Tories are saying.

The Tories have clearly chosen which side of this debate they come down on. They have a philosophical belief that there shouldn't be rent controls in many instances, and they're clear about that. I disagree, but at least I understand where the Tories are coming from. But the Liberals want to snuggle up to the developers, so they've got a line in their policy that says, "Don't worry, if vacancy rates rise there won't be rent control. By the way, can you send me that big \$10,000 cheque for my campaign?" And all those developers, of which the Liberals are good friends, write those cheques and send them off to the Liberal caucus. There's not a snowball's chance that we're going to get a cheque from the landlord component of it, because we're clearly on the side of the tenants.

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What we're saying by way of this legislation this morning is that a larger debate has to happen when it comes to re-instituting a rent control system. But we don't believe we could have done that by way of this motion this morning, because we know the government is philosophically opposed to rent control. So we're calling for the same two things—it's very simple—that the city of Toronto has called for; the ones who are in the middle of this crisis of rental units took the same position as our caucus. Initially, the Toronto city council said, "Let's have a rent rollback." We agreed with that, because we thought that if the city of Toronto thinks it's not a bad idea and it's workable in Toronto, it's something we're prepared to look at. On further view of the thing, the city of Toronto said, "We'd like to be able to do the rent rollback, but that may be difficult, so we believe there should be a rent freeze," and that's the position we're taking.

So my good friend Mr Prue, who is the former mayor of East York, brings forward this thing to say, "Let's have a two-year rent freeze, so we can at least freeze the situation today so that when an election happens sometime between now and the next 14 or 16 months, we're able to put in place legislation as a New Democratic government, or it there's a minority Parliament here we'll have the influence to institute real rent control." The second portion is to at least get rid of vacancy decontrol so we don't have skyrocketing rents in this province.

**Mr Norm Miller (Parry Sound-Muskoka):** I'm very pleased to join the debate today on private member's Bill 215, put forward by the member from Beaches-East York. A couple of the key features, as pointed out by the member from Timmins-James Bay, are that he's talking about a two-year rent freeze and also that the lawful rent for a rental unit is not affected by the rental unit becoming vacant or becoming occupied by any tenant. Those are a couple of the key points.

I think back to the days when I was at Ryerson and my economics professor talked a lot about rent controls. My

economics professor was Harry Pope, who, I'd like to point out to the third party, was a former NDP candidate, and an excellent professor I might add. His lesson was that rent controls create shortages, and I remember that very clearly. If you have rent controls, the result is that you have fewer apartments being built and you end up with shortages.

I think what we're seeing currently is that we actually have a pretty good vacancy rate. I'm looking at today's Toronto Star and articles in the last few days showing that 25 of every 1,000 apartments in the Toronto area are vacant at this time. That's the highest vacancy rate since 1972. I think this is a good thing that's happened under the current system, and the current system does have some balance in it.

I'll quote from today's article about the vacancy rate and just how hard it is to get people to rent apartments right now: "'You do whatever it takes to try to get these apartments rented,' says Robert Herman of Pace Properties, which owns and manages about 1,000 units in the Greater Toronto Area. Besides lowering rents by up to \$100, there's been an emphasis on things such as changing kitchen cupboards, providing microwaves, installing ceiling fans at its properties, which run the gamut from low- to high-end rentals. 'The biggest incentive is lowering the rent and then the next step is doing whatever you can to entice people.' ... 'The market is the loosest we've seen in modern history. Not since the early 1970s have we seen rates like this and landlords competing for tenants,' says Vince Brescia, president of the Fair Rental Policy Organization.... In some cases the phenomenon is prompting landlords to drop rents by up to \$200 a month, in addition to providing a slew of perks.... 'I've been managing buildings in Toronto for 20 years, and we've never had to put the effort into renting apartments that we do today,' says Herman."

The legislation being proposed is to freeze rents, but we're seeing rents drop, so it would be against the interest of tenants to see this legislation passed.

I would like, in the little time I have left, to talk a bit about the Tenant Protection Act, which does hope to achieve a balance. Bill 215 would strip away the progress we've made under the Tenant Protection Act. I'd like to remind members of the four fundamental principles of the Tenant Protection Act: protecting tenants from unfair rent increases and arbitrary evictions; helping to create a climate in which people are encouraged to invest in rental housing; streamlining administration and cutting red tape so the system works faster and more fairly; and improving provisions for maintenance so landlords will take care of their rental housing.

The Tenant Protection Act has been an unqualified success since it came into effect in June 1998. It has met all those goals. Tenants are protected by the law. They're protected from harassment and from illegal eviction. They are also protected by an annual rent increase guideline for as long as they live in that apartment.

I think it would be a move backward if we passed this private member's bill today and would not help the interests of tenants or landlords.

**Mr Prue:** I thank my colleagues, especially my colleagues from the New Democratic Party who left some of their time for me as well.

I'd just like to speak about, first of all, some of the points that have been made here today. The minister said the plan that the government has come forward with is a good plan, but with the greatest of respect, it is presaged on the idea that the rents are affordable. The rents are not affordable. The rents are geared to average rent, which, as we have seen in Ontario in most of the large cities, is now in excess of \$1,000 a month. So if you can afford \$1,000 in rent, I guess her plan would work, but the reality is that most of the people who are tenants in Ontario are not well enough off to afford that. The reality is that the median income per household of tenants in Ontario is \$23,215. Half of all tenants have less than that, half of all tenants have more than that, but the median, which is a good figure, is \$23,215 per household, not per individual.

If you earn that much, and if you use the figures of CMHC and other groups that suggest tenants should realistically be spending about 30% of their salary on rent or on housing, that would be an apartment rent of about \$580 that they can afford. The reality is that the average rent in all of Ontario is \$883. In the big cities—Ottawa, Hamilton, Oshawa, Toronto, Peterborough and in the GTA—the rents are in excess of \$1,000. People who earn \$23,000 simply cannot afford them. It is illogical that the government would stand there and say that this is what they are attempting to do.

I also look at the silliness, with the greatest of respect, of the Liberal position. One has to laugh. They are challenging developers to build what they cannot rent to drive down the prices of that which they already own. That, in a nutshell, is their policy, and I can't say it any better than that. It is simply not going to happen. It is illogical to the nth degree.

We in the New Democratic Party, and in this bill in particular, believe we have to come to the rescue of those who are having a terrible time. The wages of people in apartments are very, very low. The rents that are going up continue to go up, and they have a singular inability to pay them. The rental housing stock in moderate homes is actually declining. The number of apartment units in Ontario is less today than it was in 1997, because more apartments are being taken down, more buildings are being sold out to condos, than are actually being constructed. It is at the bottom end that we have to worry, not at the top end.

I would ask the members to bear that in mind when they are voting for this bill and to please give a reprieve to the million or so tenants in this province who desperately need the prices to be frozen for two years and that vacancy decontrol be discontinued.

**The Deputy Speaker:** The member for Beaches-East York has almost two minutes to add if he so wishes.

**Mr Prue:** Thank you very much, Mr Speaker. I thought that was all rolled together, so I welcome an additional two minutes. There were other things I wanted to say.

Tomorrow, Mr Hodgson, the Minister of Municipal Affairs and Housing, will be in Waterloo. He's going to be announcing some new rent plan or some new housing plan. We're not quite sure what it is. But if I could look inside a crystal ball, I think I know what it's going to be. He's going to talk again about rent supplements, which this government has promised for three years and has done almost nothing about.

**1100**

He is going to be talking about the provincial funding, on the grand scheme of what the province is going to do with the federal monies. We remember that a little over a year ago the federal government came forward with some \$245 million for the province of Ontario to build affordable housing. The province has earmarked only \$20 million as their share, but beautifully ingenious in a way that one could only describe as Machiavellian, they are counting on an additional \$180 million from municipalities and housing advocates and monies that will not be spent for PST and other things to make up the balance. I am sure that is what is going to be said again tomorrow.

The reality is that in the year since this plan was announced, Quebec has come forward and started building homes in a big way. Nunavut has done it, British Columbia has done it, all the other provinces have done something, and in Ontario we have built four units—four units—under this plan. I don't know what's going to be announced tomorrow, but this bill will do a whole lot more for tenants than anything that's going to be announced tomorrow.

#### MUNICIPAL AMENDMENT ACT (PROHIBITING USE OF PESTICIDES), 2002

#### LOI DE 2002 MODIFIANT LA LOI SUR LES MUNICIPALITÉS (INTERDICTION D'UTILISER DES PESTICIDES)

Mr Patten moved second reading of the following bill:

Bill 208, An Act to amend the Municipal Act, 2001 to permit municipalities to prohibit activities or the use of substances to protect the health, safety and well-being of inhabitants of the municipality / Projet de loi 208, Loi modifiant la Loi de 2001 sur les municipalités pour permettre aux municipalités d'interdire des activités ou l'utilisation de substances afin de protéger la santé, la sécurité et le bien-être des habitants de la municipalité.

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the member for Ottawa Centre.

**Mr Richard Patten (Ottawa Centre):** I'm delighted to address the Legislature today on Bill 208, the Municipal Amendment Act, prohibiting the use of pesticides. If this bill passes, it will effectively enable municipalities that wish to pass bylaws to prohibit the non-essential or



cosmetic use of pesticides on a precautionary basis—and I underline precautionary basis—if the municipality is of the opinion that there is a threat to the health, safety and well-being of its citizens.

According to Dr Richard van der Jagt, chair of the Canadian Leukemia Studies Group, an associate professor of medicine, haematology, at the University of Ottawa and Ottawa Hospital, “There is now strong evidence linking pesticide exposure to acute leukemia in children (the most common cancer in children), to breast cancer (the most common cancer in women), and to prostate cancer (the most common cancer in men). There is also clear evidence linking pesticide exposure to neurotoxic effects, to birth defects, to non-Hodgkins lymphoma, to Parkinson’s disease, to bladder cancer. This also harkens back to the days when evidence was emerging on the risks of tobacco smoking. I do not think it appropriate,” he says, “for politicians to be debating and weighing ... medical evidence” when in fact this evidence is medical science.

He goes on to talk about, “... as precaution must be the overriding principle. In any case such as this, where there are serious implications to human health and the environment, the precautionary principle must apply. Logic and reasonableness cannot argue otherwise. Note that the Environmental Protection Agency” in the United States of America “has chosen to adopt a zero tolerance policy to any additional health risk posed by pesticides.”

In my speech today I want to concentrate on evidence that pesticide use is not safe to human health and the environment, who is most at risk, and children and other vulnerable groups. I say “touch on,” because in 10 minutes I can only begin to scratch the surface. There’s so much material on this particular topic and so many studies associating pesticide use, exposure and acute and chronic health effects.

Where is the evidence that pesticide use is not safe to human health and the environment? For the skeptics who say, “Show me the research,” I have here in my hand over 50 pages of abstracts of peer review studies on pesticides that I would be prepared to share with anyone who says there’s no evidence of links to cancer and chemical pesticides.

A 2002 city of Toronto public health report, *Lawn and Garden Pesticides: A Review of Human Exposure and Health Effects Research*, fully reviewed all the subjects and highlighted three types of health problems linked to pesticides: (1) some cancers such as leukemia and lymphomas, (2) reproductive effects, ie, fertility problems, adverse pregnancy outcomes, and (3) neurological effects, such as Parkinson’s disease. The report states that all the potential risks posed by pesticides, particularly hormonal changes and effects on the immune system, cannot be fully appreciated or predicted by the current ways in which measuring is being done. The health effects and potential risks from exposure to pesticides will never be completely understood, they say, and therefore, “A precautionary approach concerning residential-use pesticides is prudent and advisable.”

To those in the public health field, the precautionary principle builds upon the concept of prudent avoidance, which has traditionally intended to ensure that “preventive action is taken in advance of scientific proof in situations where further delay could prove costly to society or nature and/or unfair to future generations.”

In particular, I bring your attention to some recent studies. Two Swedish studies of non-Hodgkin’s lymphoma and exposure to pesticides concluded that exposure to herbicides during the decade before non-Hodgkin’s lymphoma diagnosis resulted in increased risk. A recent Canadian study on women living on farms in the Windsor area concluded that women involved in farming have nine times the risk of developing breast cancer as non-farm women. A 1998 study in northwestern Mexico determined that children living in an agricultural valley who were routinely exposed to the residue from pesticide spraying had poorer motor skills, poorer memory and poorer drawing abilities on balance than children living in better-protected foothills. There was a show on this on CBC at some point, I believe, an exposé.

Exposure to agricultural pesticides is a well-known contributing factor to a number of chronic ailments, including some I’ve just mentioned, and damage to the central nervous system, organs and possibly the endocrine system as well.

The London-based organization Doctors and Lawyers for Responsible Medicine warns that cancer-causing chemicals are now the number one killer of Europeans between the ages of 35 and 65. Experts agree that 80% to 90% of these cancers are caused by carcinogenic chemicals in the environment in which we live.

I have many, many more studies. I haven’t got the time to share them all here, but I am prepared to share them with anybody who has the interest.

In a nutshell, it boils down to this:

“Children are not simply small adults. They are more vulnerable to environmental threats because of their unique physiological developmental and behavioural characteristics from conception to adolescence; children face a variety of exposures to environmental contaminants, from a wide range of sources, over which they have very little control.

“Kilogram for kilogram, children drink more water, eat more food, and breathe more air than adults. This means that children have a disproportionately higher exposure to environmental contaminants in water, food, air and soil. Children can also be exposed to contaminants in the womb, through breast milk, and certain consumer products such as toys. Their natural exploratory behaviour also places them at greater risk of exposure. Children put things in their mouth and they play on or close to the ground where contaminants tend to concentrate.

“In addition to a greater exposure, children have important biological differences. Their organs and tissue are still developing and so their ability to metabolize, detoxify and excrete many toxicants is different from that of adults. Therefore, their mature organs may be less effective at protecting them from toxic exposures and

effects. Infant kidneys, for example, cannot excrete certain foreign compounds as quickly as adult kidneys.

"Today's children are just beginning a lifetime of exposure to cumulative environmental hazards, the likes of which no other generation has experienced. They have more future years ahead of them in which they can develop chronic diseases that may be triggered by early exposures."

Over the past 20 years, there has been a fourfold increase in childhood asthma cases, with 12% of Canadian children now experiencing asthma and 29,000 children hospitalized per year. It is responsible for 25% of all school absences.

Neurotoxins like lead, mercury and other toxic chemicals, even at low levels, can disrupt the brain's wiring, causing permanent cognitive, learning and behavioural problems.

Known hazards and potential health effects of toxins: children exposed in utero or following birth to pesticides, PCBs, heavy metals and other chemicals may face disruption of their endocrine system, stunted growth, mental disability and other neuro-behavioural and developmental effects.

1110

The majority of pesticides in commercial use today were evaluated based on a hypothetical healthy, 70-kilogram adult male—that's the test—and not the seven-kilogram child or the less-than-14-gram embryo. That is highly, highly significant. We and the companies do not test for children and their sensitivity to this. And there are many other vulnerable groups—the elderly, pregnant women, farm workers, agricultural workers etc—who are very sensitive to what goes on here.

"I wish I could make you understand," say Linda and Alison Leeming, who have both been diagnosed with severe chemical sensitivity, "what a severe health issue this is for thousands of people like us who are trying to live in this city. Pesticides are known to inhibit a variety of enzymes that are crucial to the function of the immune system." I could go on and on.

In conclusion, I want to remind the Legislature that Bill 208 is enabling legislation. The current Ontario Municipal Act, section 102, provides municipalities with the power to enact bylaws that regulate the health and safety, morality and welfare of their inhabitants. If passed, my bill would make it clear through the new section 130, the successor section to 102, that the power to prohibit the spreading or use of pesticides on a precautionary basis, regardless of whether the scientific evidence is conclusive and available or not, exists in the new Municipal Act which comes into effect January 1, 2003. Some municipalities have already sought legal opinion on bylaws. My bill will help to reduce the need for costly legal challenges.

Managers in the pesticides section of the standards section themselves say that the act doesn't explicitly provide for a municipal role in regulating pesticides. Mr Bill Armstrong, who is here today, is a councillor with the

London city council. They passed a resolution supporting moving on this bill.

**The Deputy Speaker:** Further debate?

**Ms Marilyn Churley (Toronto-Danforth):** Welcome, Mr Armstrong. I would like to thank him on behalf of all of us for all the work he has done on this issue and for his commitment to getting this bill passed today. He called me some time ago and we had a discussion about this very issue, and I make the point today.

First of all, I support the bill, and I'm very pleased that Mr Patten has brought this very important issue before the Legislature again. Back in 1995, when the NDP was in government, under Ruth Grier the NDP did a study on the primary prevention of cancer. That was published in 1995. It is a really good blueprint for the things we can be doing, should be doing, that government should be promoting, to prevent cancers. There is a whole section in this report—unfortunately, it has been shelved and no action has been taken by the government on it—on the use of pesticides on food, with a number of recommendations, which indeed I tried to get all-party support for back in 1996, I believe. When I raised the issue and had a resolution before the House, I particularly took the piece on the environment, including pesticide reduction, and did get support in the House to move forward on some of the recommendations, but the government chose not to follow up with me on that.

That's why I so welcome this resolution before us today, because it is really important, as the evidence grows, as Mr Patten knows better than most of us here, being a victim of cancer himself, and I'm very glad to see that he has now taken up the preventive cause. I hope everybody will support the resolution today.

There is another really important report that I would recommend people read, and that is called Stop Cancer Before it Starts: The Campaign on How to Win the Losing War against Cancer, a report by the Cancer Prevention Coalition in the US. When you start reading these reports and studying the overwhelming evidence there is today, pesticides and all kinds of other chemicals in our environment are absolutely without a doubt causing some forms of cancer. We know that childhood cancers remain the number one killer these days, except for accidents, of course. That in itself is a stunning piece of information. For those of us with young children, or grandchildren in my case, we look at these little kids and, being aware of the rise in testicular cancer, of breast cancer in women and of all kinds of other cancers, as the cancer levels rise, are they going to become victims? It makes us feel, as legislators here, that we have a responsibility to them.

There is the opportunity today for the Legislature to pass this very simple bill or resolution before us. It amends the Municipal Act to allow municipalities to pass bylaws prohibiting the "use of pesticides in non-essential situations if the prohibition is related to the health, safety and well-being of the inhabitants of the municipality." It also provides, and I think this is very important, that they may do this "on a precautionary basis regardless of whether the scientific evidence is conclusive."



I think Mr Patten and Mr Armstrong are aware of a concern I have. At one point last year, or maybe two years ago, I was in the process of preparing a similar kind of bill and talked to some of the environmental groups about the best approach. They told me what their concerns are. If the bill passes today, I don't have those concerns. I'll wait to hear what the Tories say about this.

The concern is this: according to them and legal opinions, in the Hudson case, the Supreme Court in regard to Hudson, Quebec, made a ruling that the Hudson municipality was allowed under the law to pass such a bylaw, which they did. It was a groundbreaking case. The concern is that we know municipalities have that right now, but it appears as though many municipalities are using as an excuse that they can't pass such a bylaw, that legally they're not allowed to do it. The concern is that if this bill doesn't pass today, it will be a further excuse for some municipalities that don't want the responsibility because of the lobby by some of the big pesticide and chemical companies, that they will use this as another excuse not to move forward: "There was a bill but it didn't pass, so we can't move forward until it does."

I don't want that to happen because it is my view, and the legal opinions and the view of the environmental groups involved in this, that municipalities do have the jurisdiction and the right to do this now. So although I support the resolution before us today, I very much hope that the Conservative members will vote for it so that we make a very clear statement today, on top of the Hudson decision, that makes it absolutely clear to any municipality that they undoubtedly have the right to pass such a resolution.

I read in *Stop Cancer Before it Starts* a very interesting quote. There's lots of interesting information in these reports, including the report by Ruth Grier and others. What they say is:

"Whether against cancer or terrorism, war is best fought by pre-emptive strategies based on prevention, rather than based reactively on damage control. As importantly, the war against cancer needs to be waged by leadership accountable to the public interest and not to special agenda interests of the cancer establishment and ... if not criminal, powerful corporations."

This is a very strong statement by a group of people who are trying to get governments to take responsibility, to deal with the fact that there's now an estimation that cancer is going to increase by 50%, I believe double, over the next several years. This is something we can no longer take lightly. This is an opportunity for us, as responsible legislators today from all three parties, to support this resolution before us and give a very clear statement to municipalities that we support their efforts, that we support the efforts by people like Mr Armstrong, who is here today, and community activists and other councillors who want to take action and help their communities protect their children, their pets, all of the people in their communities.

1120

I want to point out before I sit down and leave some time for my colleagues a very interesting resolution that was just passed, and we applaud them for that. The Ontario town of Cobalt, with little fanfare—we haven't heard much about this, but Mr Patten is aware of it—has become the first place in the province to ban pesticide use on public property. It has been done; it can be done. Yes, they said there was quite a lobby from a lawn care company, but beyond that there was very little opposition to this. They have done it already.

This has now moved beyond what was at one time, when I first got involved in this issue, seen as something that only those on the fringes of the environmental movement supported. It's moved way beyond that. It has now become pretty mainstream. There's a whole list of mainstream organizations that have the facts and the information and know that we have to move, that we have to remove the use of many of those pesticides, and are calling for governments to act.

In closing, I congratulate Mr Patten and also Mr Armstrong for their fight to move forward in helping municipalities take the ball here and run with it and do the right thing for the citizens of Ontario. By a long shot, it's only one piece. There's no time today to get into all the other chemicals that are out there in the water we drink and in the food we eat and in the air we breathe, but this is one very important piece of it today. I hope very much that all members of the Legislature will vote for this very important resolution today.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate with respect to the member's Bill 208, An Act to amend the Municipal Act, 2001 to permit municipalities to prohibit activities or the use of substances to protect the health, safety and well-being of inhabitants of the municipality.

As has already been mentioned by the members across, over the past few years there has been a growing awareness about the use of pesticides in our communities. In my own community, the city of Barrie, certainly I've heard of that in terms of concerns with respect to their use, for example, around nursing homes, which is an area of significant concern because the people who are there are obviously not in 100% health. We don't want to make them any more vulnerable than they already are in terms of this type of activity.

With it, there has been a growing concern about the potential environmental and human health effects of pesticides. That also goes with respect to the use of pesticides on school grounds, just to name another example with respect to where that would be used in terms of pitches on school grounds. City parks are another area. It also applies with respect to individual homeowners and what they do with their properties.

We all know there are appropriate uses for pesticides. If managed carefully, in many circumstances these chemicals can help contain infestation that would otherwise threaten our environment, our health, our food supply and our local economies.

A case in point is the West Nile virus in Manitoba, and in Winnipeg in particular, in terms of the actions that had to be taken by the municipality to deal with that particular situation, which is not over; it is ongoing. That could face us here in this province in terms of the same level that it has faced out in Winnipeg, Manitoba.

We also cannot deny that some pesticides may pose a threat to our health if they are used excessively or indiscriminately. Because of this, there is a movement across the country to restrict the non-essential use of pesticides. We support various initiatives to reduce the reliance on the use of pesticides. This government also respects municipalities' decisions to consult with stakeholders and develop pesticide strategies that are tailored to local concerns, circumstances and desires.

I want to remind all the members of the House, and especially the member for Ottawa Centre, that Health Canada has the lead role in evaluating human health and environmental effects of pesticides and makes decisions whether or not to register them for use in this country. Health Canada's Pest Management Regulatory Agency is also responsible for ensuring that pesticides can be safely used when label directions are followed. They are the gatekeeper in terms of dealing with pesticides in this country.

Our government is encouraged that earlier this year the federal government committed to reintroduce pesticide legislation to strengthen and modernize its Pest Control Products Act to protect the health of all Canadians. We agree with the Pest Control Safety Council of Canada that we need to provide more information to the public about the safe and responsible use of pest control products and support integrated pest management principles to reduce reliance on pesticides.

We feel it is important to respect which level of government is best suited to deal with certain issues. Ontario does have a role to play in pesticide management, and we already have a comprehensive program in place. Our province, through the Pesticides Act, continues to regulate the sale, use, transportation, storage and disposal of federally registered pesticides through requirements for education, licensing and permits.

The Ministry of the Environment is also participating in the joint federal-provincial Healthy Lawns Strategy to reduce reliance on pesticide use on lawns. And Ontario is participating in the initiative with the federal government and the other provinces and territories to harmonize pesticide classification across this country, eliminate duplication, improve and streamline the regulatory system, and place strict controls on consumer access to higher-risk domestic pesticides. This way, Ontario's pesticide regulations are consistent with other jurisdictions and our communities have clear guidelines on pesticide use. Working in partnership with the federal government on this issue benefits everyone. Trying to interfere in issues that are clearly the jurisdiction of other levels of government would have the opposite effect.

I would say this: this government has already acted responsibly. The member across has already mentioned

section 102 of the Municipal Act, which will take effect in the year 2003. I think what he's looking for here—and he's been very honest and upfront about it—is to make sure there are no legal issues here. There is provision in section 102 with respect to enabling other municipalities to deal with the situations I am speaking about. What he is suggesting is that there may be legal challenges. There always are legal challenges, perhaps, when you move into an area where companies feel they are being impacted and want to test the law with respect to how they can deal with that. That would apply also with respect to the proposed amendments my friend is putting forth, because it does provide the municipalities with discretionary power to deal with prohibiting the spreading or use of pesticides in non-essential situations. Obviously, that would be something that would be subject to interpretation itself.

A municipality also would be given the discretion to prohibit the spreading or use of pesticides on a precautionary basis, regardless of whether the scientific evidence is conclusive or not, if the municipality is of the opinion that there is a threat to the health, safety and well-being of the inhabitants of the municipality.

What the member is trying to accomplish here, and I recognize that, is he's trying to put forth, in a situation that could be construed not to be strong enough—it may be strong enough, subject to judicial interpretation, but that's not the point the member is trying to make. He's trying to make the point that it has to be explicit enough so there won't be any vagueness with respect to what the municipality is trying to accomplish in terms of what they're doing.

1130

*Interjection.*

**Mr Tascona:** This is debate, member for Kingston. I've got a right to speak here and I intend to. I don't need to be heckled by the member for Kingston. I'm trying to deal with the debate here from the member because it's well thoughtout, and I support the principles that he's putting forth with respect to this issue.

I believe we have a strong framework of environmental and health protection in place. I would say on behalf of my colleagues that certainly this debate is worthwhile; it's timely. I think the member for Toronto-Danforth put it bluntly in terms of, there has to be action taken by municipalities to ensure that this issue is dealt with. That's why they had the Hudson decision that, I believe, went all the way to the Supreme Court of Canada with respect to giving the municipalities that clear right. That's what all this debate is about: to ensure that this issue is dealt with fairly, responsibly, and is not going to be judicially overturned.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I'm pleased to rise and join in this debate. It's a serious issue. I want to provide, at least in passing, an affirmation for my good friend Richard Patten. I've known Richard for over 30 years. We grew up together in the YMCA movement. As younger men we fought valiant fights together many times to try to make a real



difference. I'm pleased to be here in this place with my friend in support of his consistent desire to stand for what is good, proper, progressive and right.

One of the members opposite had made a number of passing references to the legal issue. I think one of the things that municipalities want more than anything else—and as a former mayor of that wonderful municipality the town of Flamborough, I can attest to this—is the sense that the provincial government, particularly when they have their spokespersons refer to being in support of the principles behind a particular piece of legislation, are prepared to go the next step and to assist and clarify something in the face of a legal challenge, which clearly I think would come given the complexity and confusion around the Hudson case, notwithstanding the Canadian Environmental Law Association brief suggesting that in their review they felt the municipalities do have this option.

We've got a situation—my colleague for Kingston may have more to say about this—the infamous contradiction tests, conflicting goods, conflicting laws. What's going to happen, I suspect, with certain municipalities that decide, believing a wink is like a nod in racing to a blind horse, believing that the province is winking through section 102 of Bill 111 to move forward, you're going to get into this argument about competing goods. I agree with the member opposite that we do need strong laws in place. I don't think the laws are strong enough. We have an opportunity today to really help with that.

By way of background, pesticides are clearly toxic. They kill organisms that we deem undesirable. There appears to be growing evidence that they also have the potential to kill organisms we love, organisms like wives, kids and pets and what have you. Given the international recognition in law of the precautionary principle, I think we can take some solace and advice from George Bush to the south when he says, "Let's make sure we never mis-estimate the potential for problems here." I think there's good evidence that we're at risk. We shouldn't have to wait for the science to prove that conclusively before we act.

All across Ontario throughout municipalities you have a groundswell of concern and a strong desire in a number of areas to do something about it. Municipalities are struggling with the tools they've got. They're trying naturalization projects, better plant management projects, and some are even into the use of biopesticides, although that's a developing field.

I guess I see this as a bit like the second-hand smoke debate. We know for a certainty now that second-hand smoke is hazardous to a person's health and is killing numerous people across the country. The province has failed to move in a generic, comprehensive way recognizing that it's both a health and business issue. Municipalities have had to pick that up and there have been some court challenges to that. I would plead with this government—you're good at downloading—this is one responsibility that ought to be downloaded, and quickly.

I want to suggest that in the absence of clear authority and your moving to support this bill, there may well be plausible evidence quoted in a subsequent court of law that this Legislative Assembly actually intended to preclude municipal regulation with respect to pesticide use. I think if that were to happen, that would indeed be an extremely unfortunate day for the people of the province of Ontario.

**Mr Michael Prue (Beaches-East York):** I rise today in support of this bill and I would ask all members of the House to seriously consider supporting it.

We need, as a society, to embrace the very basic concept that is being put forward here, and that is to minimize the use of pesticides wherever and whenever we can do so. One of the ways we can do it is to ban the cosmetic use of pesticides. This serves not to protect our food source against unwanted predators or pests but is only to make sure that we don't have the inconvenience of a few dandelions or things in our lawns that we don't otherwise want to have.

In East York, when I was the mayor, we took what was then considered to be a very bold step, in all of our municipal lands and in the school board lands, to ban the use of pesticides on public property. We were one of the first municipalities in Ontario to do so. There were people who came forward and argued with us that this was going to create havoc in our municipality. In fact, some homeowners who lived adjacent to those municipal properties talked about blowing dandelion seeds, that we would have dandelions on our lawn that in the prevailing wind would blow over on to their lawn, and they urged us not to discontinue the spraying.

But we thought the better of it and, to this day, I'm glad that we did so because in reality the amount of spraying went immediately down in all of the neighbourhood properties as well when they saw that we didn't get infested. We used other lawn management tools to make sure the lawns stayed green and healthy. Spraying, if it ever did occur with major infestations, might take place once every five years as opposed to five times a year, as had been the common practice before that.

In the court decision of Hudson in Quebec that went all the way to the Supreme Court of Canada, it has been ruled that municipalities have the right to pass this legislation, and certainly many municipalities have had an opportunity to look at it. My own time at the amalgamated city of Toronto, and on the board of health of the city of Toronto, showed that this is a difficult proposition. When the board of health came forward with a proposition to do exactly what the city of Hudson in Quebec had done, we were met with a great many people who came forward in opposition. Almost all of them were the owners or the employees of lawn care facilities who came forward to argue about their livelihood and to make what I considered the specious argument that these pesticides would do no one any harm, that they lived and worked with them and it wasn't going to cause them any harm.

1140

I remember raising their ire when I talked about Rachel Carson's book *Silent Spring*, that I had read some 30 years before, when she first raised the alarm bells. The alarm bells are going off with even greater frequency today. When one exposes oneself to potential carcinogens, the damage is done not at the moment, but sometimes many years later.

The lobby of the pesticide companies notwithstanding, it is a good idea wherever possible to reduce the use of pesticides, as this bill intends. It is our belief that municipalities already have the right and that this bill may not confer something they do not already have. However, having said that, if it helps to assuage the fears of the municipal governments to pass the bill, if they can see there is provincial legislation that will obviate the necessity of their going to court, if they feel they are less likely to be sued by the pesticide companies if they enact it, then it is my belief that they will enact what is proper for their communities and for all the residents of this province.

For that reason I commend the bill and Mr Patten for bringing it forward. I would ask that all members of the House consider the safety of themselves, their children, their neighbours and their friends and relatives and take the long-term view that it's better to have a few dandelions than to suffer cancer.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** I appreciate the opportunity to address Bill 208, Municipal Amendment Act (Prohibiting Use of Pesticides), 2002. I would like to address this proposed legislation in the context of what communities are already doing, and we've heard some mention of that in the debate today.

A number of communities across Ontario have taken measures to manage any potential health and environmental risks associated with the use of pesticides, including herbicides and insecticides. I do want to inform the members of the House that I'm not in support of this approach in Bill 208.

Fairly simply, this represents what I consider another piece of red tape to add to the myriad constellation of rules and regulations that we have in our society. I don't feel that it really solves anything; it solves little and proposes ideas that many municipalities across the province are already contemplating.

Given the progress that has already been made on pesticide management, Bill 208 is about as relevant as a proposal to send the first man to the moon. This has already been done. I had an opportunity to speak with Buzz Aldrin a number of years ago. He has been there and back. So have Scott Carpenter and Neil Armstrong. They've been there, they've done that, and I suggest that many municipalities have also taken these measures. It's been done; it's on the way.

People are telling us to remove red tape and avoid duplication. If we push forward with legislation like this, we're ignoring these pleas and adding yet another needless set of hoops for people in Ontario to jump through. Many Ontario communities, including Toronto,

Ottawa, as the member from Ottawa Centre would know, London, Waterloo and Caledon, are considering the issue of the use of herbicide, insecticide and other pesticides and are taking action. Really, those municipalities don't need a piece of legislation to tell them what they already know and what they're already considering doing or are doing.

Ontario municipalities are acting in the best interests of their people and their communities. They're doing so without relying on an amendment to the Municipal Act. I commend them for their hard work to this point and I'm loath to support a bill that essentially would pull the rug from under their feet. I question this call for a prohibition on the use of pesticides. I support a science-based approach. I will make mention of section 2(2), and I quote, "A municipality may prohibit the spreading or use of pesticides on a precautionary basis regardless of whether the scientific evidence is conclusive or not." I question that. I feel there is a role for science. I feel there is a strong role for education and information in dealing with this issue. I have a farm. I use herbicides to grow food. I also have a lawn. I have never used chemicals on my lawn. I don't water my lawn. I have priorities. I have this approach because of brochures and information and educational programs that I have picked up over the years.

I mentioned that much work has already been done by municipalities. For example, Toronto released this report on its strategy to reduce the use of outdoor pesticides just this past November. Since then, the board of health has directed the city's medical officer of health to develop a pesticide bylaw for their consideration. What value would this bill have for the city of Toronto under our existing legislation? Toronto is already developing what I consider an effective strategy. It works for Toronto and protects the environment and human health at the same time.

It was the same story in Ottawa earlier this year. The city of Ottawa, as the member for Ottawa Centre will know, released its report on pesticide reduction strategies for private properties. The city will establish pesticide reduction targets in early 2003 and will, again, consider the need for a bylaw within three years if these targets are not met. The city of Ottawa does not require an amendment to Ontario's existing legislation to establish these reduction targets.

Many other communities—Mississauga, Hamilton—joined with park associations to develop a consistent municipal approach with respect to the issue of pesticide management. Really, why should we commend, tap them on the shoulder, tell them, "Thanks for the effort, but we feel we know better what's right" for their communities?

The new Municipal Act comes into effect January 1. It's a significant, far-reaching deal, a new deal, for our municipalities. The new Municipal Act was reviewed through countless consultations with municipal leaders. But now, before it can even come into effect, we're proposing, today, to amend it. Community leaders must be wondering why we would go down this road. Our cities



and towns aren't asking for amendments to an act that they, along with us, fought long and hard to create.

Again, in my view, prohibition is not the road to take. Education, information and persuasion I feel can be a much more fruitful approach to this issue.

**Mr John Gerretsen (Kingston and the Islands):** I can't understand what's happening here this morning. All this bill does is to clarify the section in the proposed Municipal Act that's going to take effect on January 1 to make sure that municipalities have the ability to pass bylaws. Let me just read the section that we're talking about. It clearly states that "a municipality may prohibit the spreading or use of pesticides" in non-essential situations if the prohibition is related to "health, safety and well-being of the inhabitants of the municipality." It is just to make sure that section 120 of the new act includes the provision that it could pass bylaws in this area as well—not that it will, but that it could.

I'm still of the belief that the local municipal politicians who deal with the down-to-earth, day-to-day problems in municipalities, who are just as legitimately elected as we are at this level, have a much better handle on individual situations when they deal with issues like this than we have at the provincial level or at the federal level.

I noticed that the last member who spoke, and he quoted section (2) of the amendment, didn't quote the entire section. Again, the section states: "A municipality may prohibit the spreading or use of pesticides on a precautionary basis regardless of whether the scientific evidence is conclusive or not," but he didn't continue on and quote the last section; "if the municipality is of the opinion that there's a threat to the health, safety and well-being of the inhabitants of the municipality."

All this section is doing is taking the ambiguity out of the whole new section 120 of the Municipal Act and allowing municipalities if, in their wisdom, after the due consultation that municipal councils usually get involved in, they feel they want to pass bylaws dealing with the prohibition of pesticides.

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I firmly believe that many, many areas are much better dealt with at the local level than at the provincial or the federal level, because I don't think the way we sometimes get involved in passing laws, etc, has the grassroots effect or the grassroots issues that can be addressed at the local level. The evidence is surely clear, from all the various medical reports and medical studies that have been done, that the long-term use of pesticides creates reproductive effects in newborns, neurological effects in individuals, and all sorts of problems that can be related to the long-term use of pesticides. If a municipal council feels it is in the best interests of their citizens to do something about it, they should have the right to do something about it by banning the use of pesticides. Obviously, this has to be done on an individual basis and a case-by-case basis, the way the leaders of that municipality see the issue from time to time.

Some of the other gobbledegook I've heard here this morning about, "Well, this will have to be tested in the courts, and then we can have some adjudication of it"—what this proposed amendment is trying to do is take it out of the area of ambiguity so there will not be any challenges in court. Surely to goodness there are enough members on all sides of the House who agree with the member from Ottawa Centre, who has proposed this private member's bill, that it is the local people in the local municipalities who can best adjudicate this. Again, it is simply giving them the right to do so. It doesn't mean that every municipality is going to do this; it's simply giving them the right to do something they probably should have had the power to do for a long period of time. That's what this is about, and I urge all members to support this bill.

**Mr Mike Colle (Eglinton-Lawrence):** I want to thank our member from Ottawa Centre, Richard Patten, for having the dedication to bring this forward. I think that sometimes a verification of the reason we're here as lawmakers is to propose good laws. This is a good piece of legislation, a good amendment that makes eminent sense, because it affects people in a real way in terms of their health and the health of their children and families. I want to thank councillor Bill Armstrong, who came here all the way from London, who is also typical of a lot of councillors throughout Ontario who want to do something that benefits their constituents.

In many ways, this is really a no-brainer. Who, except the one member from across the way, stands up and defends the use of pesticides? In an urban setting, it has to be controlled, because properties are so adjacent to each other. Even if you don't use pesticides on your lawn, your next-door neighbour on either side or your neighbours in behind you could be using pesticides, because the lots are so small. That's why you need a municipal government that can enact protective laws so you don't have the free and unlimited use of pesticides.

In Ontario right now, as you know, you can walk into any Home Depot or Home Hardware and get all the chemicals, all the pesticides, you want; there's no limit on it. So if you've got some hare-brained neighbour next door who wants to make his lawn the greenest lawn this side of Ireland, he'll do it with every pesticide he can buy at a discount price at the local hardware store. That's why you have to have some power in the hands of municipalities to control that type of use—and it's rampant. All over this province there are people, especially in cities, who spend all their time pouring chemicals on to their front lawns or back lawns. That chemical, that pesticide, goes beyond that person's property. It goes into water tables, it goes into aquifers. It runs into the storm sewer runoffs and goes into our water supply, into the lakes and rivers that supply us with water. We drink the pesticides because there are some irresponsible people or people who don't understand the impact of that pesticide use. So we have to have some protections for citizens on this unlimited use.

That's why municipalities are saying very clearly, "There's ambiguity out there right now. We want to know what our rights are and that we won't be spending hundreds of thousands of dollars in court trying to defend our right to protect our citizens." That's what is hampering municipalities right now, and this government's got to do something about it. They've got to enable municipalities to be immune from these multi million-dollar court cases that they are going to be confronted with if they confront the DuPont Chemicals of this world.

The member for Ottawa Centre is listening to people all across this province who want the government of Ontario to give municipalities the power—if the provincial government won't do it, they're saying, "Let the municipalities protect us from this rampant use of cosmetic pesticides especially." You can understand in some cases where you've got a need to control some kind of outbreak of mosquito, West Nile virus, but we're not talking about that. We're talking about the cosmetic use of pesticides on properties in every city across this province, and in essence there are no controls on doing that.

Sadly, sometimes the parents don't understand the impact they are having on their children and on themselves, and that these pesticides they use are permanent. They are permanently in the lawn; they are permanently dragged into the house on your feet, on to your carpets; they are in our drinking water. Who in his right mind would not want some kind of protection? It's a little bit of protection that the member for Ottawa Centre is asking for, and I think we, as lawmakers, have a duty to listen to this call for some kind of action on our part. It's a little step we can use to ensure that municipalities will be able to do their job, to stop this rampant use of cosmetic pesticides all across this province.

**The Deputy Speaker:** The member for Ottawa Centre has two minutes.

**Mr Patten:** Thank you very much to everyone participating in this debate today. I appreciate the points that were made.

I would like to address one, if I may, to the member for Haldimand-Norfolk-Brant, who said this is going to increase red tape. The point is, it does the exact opposite, in clarifying the position. This isn't taken lightly. I didn't just think about this sitting in my office and say, "You know, I think I'm going to do this." I sought legal advice. I talked to the people in the pesticide control area, or my staff did, rather. Do you know what the managers in the pesticides section, standards development branch, of the Ministry of the Environment said? They indicated that currently the Ontario Pesticides Act and Municipal Act don't explicitly provide for a municipal role in regulating pesticides. So the confusion is there.

This is to enable municipalities that want to take action and reduce legal costs, so it in effect would reduce red tape for a lot of municipalities. A number of municipalities have said to me that they have been deterred by the worry over the legal costs from pursuing something that they think is important for the health of the constituents in their particular town or city.

So I would urge the members—Mr Armstrong from London city council is here today. London city council just voted 18 to 1 in favour of supporting this particular bill because they believe this will help them have a very clear backdrop on which they would be able to proceed if they choose to regulate, mitigate, or in any way try to reduce some of the toxicity in their municipality that has grave health effects for a lot of people.

I want to thank the members who spoke very articulately and added to the debate today.

**The Deputy Speaker:** The time for private members' business has expired.

#### RENT FREEZE

#### AND RENT CONTROL ACT, 2002

#### LOI DE 2002 SUR LE GEL ET LE CONTRÔLE DES LOYERS

**The Deputy Speaker (Mr Bert Johnson):** We will deal first with ballot item number 73, standing in the name of Mr Prue.

Mr Prue has moved second reading of Bill 215, An Act to amend the Tenant Protection Act, 1997.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

We'll stand that down and deal with the second item of business.

#### MUNICIPAL AMENDMENT ACT

#### (PROHIBITING USE OF PESTICIDES), 2002

#### LOI DE 2002 MODIFIANT LA LOI SUR LES MUNICIPALITÉS (INTERDICTION D'UTILISER DES PESTICIDES)

**The Deputy Speaker (Mr Bert Johnson):** We will now deal with ballot item number 74, standing in the name of Mr Patten.

Mr Patten has moved second reading of Bill 208, An Act to amend the Municipal Act.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

#### RENT FREEZE

#### AND RENT CONTROL ACT, 2002

#### LOI DE 2002 SUR LE GEL ET LE CONTRÔLE DES LOYERS

**The Deputy Speaker (Mr Bert Johnson):** We are dealing with ballot item 73. All those in favour will please rise and remain standing until recognized by the Clerk.



**Ayes**

Bisson, Gilles	Hampton, Howard	Martel, Shelley
Christopherson, David	Kormos, Peter	Prue, Michael
Churley, Marilyn	Marchese, Rosario	

**The Deputy Speaker:** All those opposed will please rise and remain standing until recognized by the Clerk.

**Nays**

Arnott, Ted	Gilchrist, Steve	O'Toole, John
Baird, John R.	Gill, Raminder	Ouellette, Jerry J.
Barrett, Toby	Gravelle, Michael	Parsons, Ernie
Bartolucci, Rick	Hastings, John	Patten, Richard
Beaubien, Marcel	Hodgson, Chris	Phillips, Gerry
Bountrogianni, Marie	Hudak, Tim	Pupatello, Sandra
Boyer, Claudette	Johns, Helen	Ramsay, David
Bradley, James J.	Kells, Morley	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Ruprecht, Tony
Chudleigh, Ted	Klees, Frank	Sampson, Rob
Clark, Brad	Lalonde, Jean-Marc	Spina, Joseph
Clement, Tony	Levac, David	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Cordiano, Joseph	Martiniuk, Gerry	Stockwell, Chris
Crozier, Bruce	Maves, Bart	Tascona, Joseph N.
Cunningham, Dianne	Mazzilli, Frank	Tsubouchi, David H.
Curling, Alvin	McDonald, AL	Turnbull, David
DeFaria, Carl	McLeod, Lyn	Wettlaufer, Wayne
Dombrowsky, Leona	McMeekin, Ted	Wilson, Jim
Duncan, Dwight	Miller, Norm	Witmer, Elizabeth
Dunlop, Garfield	Molinari, Tina R.	Wood, Bob
Elliott, Brenda	Munro, Julia	Young, David
Galt, Doug	Mushinski, Marilyn	
Gerretsen, John	Newman, Dan	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 8; the nays are 70.

**The Deputy Speaker:** I declare the motion defeated.

The doors will be open for 30 seconds for entrance or egress.

**MUNICIPAL AMENDMENT ACT  
(PROHIBITING THE USE  
OF PESTICIDES), 2002**

**LOI DE 2002 MODIFIANT LA LOI  
SUR LES MUNICIPALITÉS (INTERDICTION  
D'UTILISER DES PESTICIDES)**

**The Deputy Speaker (Mr Bert Johnson):** We'll deal now with ballot item number 74. All those in favour will please rise and remain standing until recognized by the Clerk.

**Ayes**

Bartolucci, Rick	Gravelle, Michael	O'Toole, John
Bisson, Gilles	Hampton, Howard	Ouellette, Jerry J.
Bountrogianni, Marie	Hastings, John	Parsons, Ernie
Boyer, Claudette	Kennedy, Gerard	Patten, Richard
Bradley, James J.	Klees, Frank	Phillips, Gerry
Caplan, David	Kormos, Peter	Prue, Michael
Christopherson, David	Lalonde, Jean-Marc	Pupatello, Sandra
Churley, Marilyn	Levac, David	Ramsay, David
Clark, Brad	Marchese, Rosario	Runciman, Robert W.
Clement, Tony	Marland, Margaret	Ruprecht, Tony
Colle, Mike	Martel, Shelley	Spina, Joseph
Cordiano, Joseph	Martiniuk, Gerry	Tascona, Joseph N.
Crozier, Bruce	Maves, Bart	Tsubouchi, David H.

Cunningham, Dianne	Mazzilli, Frank	Turnbull, David
Curling, Alvin	McDonald, AL	Wettlaufer, Wayne
DeFaria, Carl	McLeod, Lyn	Wilson, Jim
Dombrowsky, Leona	McMeekin, Ted	Witmer, Elizabeth
Duncan, Dwight	Miller, Norm	Wood, Bob
Dunlop, Garfield	Molinari, Tina R.	Young, David
Gerretsen, John	Munro, Julia	
Gill, Raminder	Newman, Dan	

**The Deputy Speaker:** All those opposed will please rise and remain standing until recognized by the Clerk.

**Nays**

Baird, John R.	Coburn, Brian	Hudak, Tim
Barrett, Toby	Elliott, Brenda	Johns, Helen
Beaubien, Marcel	Galt, Doug	Sterling, Norman W.
Chudleigh, Ted	Hodgson, Chris	Stewart, R. Gary

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 61; the nays are 12.

**The Deputy Speaker:** I declare the motion carried.

Shall the bill be referred to a standing committee?

**Mr Richard Patten (Ottawa Centre):** Could I seek unanimous consent to refer this to the standing committee on justice and social policy?

**The Deputy Speaker:** Shall the bill be referred to the standing committee on justice and social policy? I hear some dissent.

All those in favour will please rise.

All those opposed will please rise.

The majority of the House being in favour, this bill stands referred to the justice committee.

The business of this morning being ended, this House stands adjourned until 1:30.

*The House recessed from 1215 to 1330.*

**MEMBERS' STATEMENTS****HIGHWAY 11/17**

**Mr Michael Gravelle (Thunder Bay-Superior North):** I think it's fair to say that the expenses released earlier this week for former northern development minister Tim Hudak detailing trips to China, Korea, Rio de Janeiro and Las Vegas all in the same year bring into question the priorities of the then minister for the north. Certainly, it's clear from the perspective of a member from northwestern Ontario that much-needed highway improvements were not part of the discussions in those exotic locales.

All of this seems somehow more galling when one notes the tap dance recently exhibited by senior Ministry of Transportation officials related to the need for four-laning the Trans-Canada Highway between Thunder Bay and Nipigon. First we are told that traffic volumes do not justify the four-laning, but then we are told that traffic volumes are not the only factor in the decision to four-lane. In fact, the regional director for the ministry told Thunder Bay television yesterday that a stretch of

highway east of Sault Ste Marie that is being four-laned is being done to address safety concerns unique to that area. So in other words, mitigating factors can override the volume issue.

If I may, let me suggest some vital mitigating factors relating to the stretch of Highway 11/17 between Thunder Bay and Nipigon. One, there is no alternate route available to drivers. Close the highway here and the Trans-Canada is shut down. Two, the section between Thunder Bay and Pass Lake frequently exceeds the volumes required by the ministry, certainly during the summer months. Why not move to at least four-lane that section of the highway? Thirdly, the province 12 years ago determined that four-laning that stretch between Thunder Bay and Nipigon should go forward.

There are more large transports on the highways. That's got to be a consideration. This is a project that is more than justified and, in fact, a vital necessity to ensure the safety of northern drivers. We will not give up until we see it become a reality.

#### ST FRANCIS OF ASSISI SCHOOL

**Mr John O'Toole (Durham):** I would first like to take time to acknowledge the grade 5 class, the students and their teacher, Donna Paquette, who are sitting in the public gallery today. They hail from St Joseph's French Immersion Centre in Bowmanville and are here to observe the political process in action.

I also rise in the House to congratulate St Francis of Assisi Catholic Elementary School on the official opening and blessing of this new school in the village of Newcastle. I had the opportunity to attend the school's official opening on October 4, 2002, a wonderful program of music and greetings celebrating the event, with Barb Malone, trustee, as the emcee. The entertainment was provided by the St Francis student and staff choirs and the St Francis recorder club and the St Stephen's Secondary School concert band. The celebration honoured those persons whose strength and commitment have been critical to the development of this new school site.

The new structure, which has a capacity of 558 students, has 19 regular classrooms, a library resource centre, a health room, a special education room, three kindergarten classes, a new resource room, a wonderful gymnasium and an administrative centre. This new school will be under the administrative guidance of Violet Neheli as principal and Katherine Derhak as vice-principal.

I'm very excited to announce the completion of the new St Francis of Assisi school in Durham riding. I'm confident this new building will be a centre for children and their educational achievements and a focal point of the Newcastle community.

I'd ask the members to recognize the grade 5 class with Donna Paquette here today.

#### WATER EXTRACTION

**Mr James J. Bradley (St Catharines):** Intense lobbying by Perth-based OMYA Canada Inc appears to have left the company poised to increase its industrial water consumption by 500% and to eclipse the limits set by a recent environmental tribunal. If it gets the green light from the Ontario Ministry of the Environment and Minister Chris Stockwell, OMYA will soon be allowed to pump 4,500 cubic metres of water a day from the Tay River. The proposed intake amount is equal to that used by all 6,000 residents, businesses and civic facilities in Perth.

Today Lanark county citizens called on the Ontario Minister of the Environment to uphold the recommendations of the Walkerton inquiry report when he makes his decision on a controversial water-taking appeal involving the Tay River near Perth. After a two-year struggle in February 2002, permanent and seasonal residents in the Tay River watershed won an Environmental Review Tribunal decision to restrict the volume of water-taking from the Tay River by the company. The tribunal decision restricted the company to taking 1.5 million litres of water a day from the Tay River, one third of the original volume sought by the company. OMYA appealed this decision to the Minister of the Environment, Chris Stockwell, asking him to triple the water-taking to 4.5 million litres per day.

The Tay River Defence appellants were shocked to learn in late November that the Ministry of the Environment, which had initially agreed to the tribunal's decision to restrict the water-taking, had reversed its position and is urging Minister Stockwell to accept the company demands.

It sounds like political pressure to me, and that political pressure should be resisted.

#### VOLUNTEERS

**Mr Norm Miller (Parry Sound-Muskoka):** It is my pleasure to announce that today is International Volunteer Day. This day, designated by the United Nations in 1985, is an excellent opportunity for each of us to publicly celebrate the contribution that volunteers make to the strength of this province. In Ontario more than 2.3 million men, women and youth volunteer time equivalent to 205,000 full-time jobs. That time, given freely for community service, has been estimated at a value of more than \$6 billion annually.

Our government recognizes and celebrates the contributions of our volunteers. Since 1995, our government has invested more than \$37 million to support volunteerism, including the International Year of Volunteers celebrations last year. Our government, through the Ministry of Citizenship, supports volunteer initiatives such as Volunteer @ction On-line, the Ontario Screening Initiative, Ontario Voluntary Forum, Making IT Work for Volunteers, and Good Neighbours.



This year, more than 7,000 volunteers were honoured with volunteer service awards and outstanding achievement awards at 28 local ceremonies, including a ceremony held recently in Parry Sound that I was able to attend.

Mr Speaker and honourable members, please take time today to recognize the immense contributions that volunteers can make.

### FIREFIGHTERS

**Mr Dave Levac (Brant):** I rise in the House today to speak about an important issue that has sparked intense debate within and outside this House, Bill 30. Some unknown facts that do not seem to get out there are that the Ontario Professional Fire Fighters Association offered a proposal to the Minister of Public Safety and Security to hold an independent task force to resolve the double-hatter issue by engaging all the stakeholders in this process. To date this offer has been turned down by the government.

In committee, my own amendment was turned down that asked for the very same thing to happen: that negotiations take place before any type of bill is rammed down their throats. Quite frankly, the fire marshal indicated that he only had one meeting with the stakeholders and decided that the negotiations were over. I think it's important for us to make that understood.

Secondly, the OPFFA would reinstate a moratorium on charges against double-hatters if the government would take time to have this task force struck. It seems to me that this resolves the problem in a conciliatory way between all those involved and does not create the chaos that is now happening. I'm consistently perplexed by the way this government continues to alienate entire groups with poorly written and poorly implemented legislation. The OPFFA has made a commitment to work together with all stakeholders to find an equitable solution to all the things that are involved in this issue. I would urge each member of this House not to vote for Bill 30 and to allow these groups to find that task force, to find that negotiation and to come to an equitable solution to this problem.

### WATER EXTRACTION

**Ms Marilyn Churley (Toronto-Danforth):** A multinational corporation, OMYA, applied to have their water-taking increase from 1.5 million litres per day to a whopping 4.5 million litres per day. The ministry issued an order to allow the expanded water-taking, but the citizens who live near the Tay River, some of whom are here today, were concerned that this amount of water taken from the river would threaten its viability, so they appealed the decision to the Environmental Review Tribunal. The tribunal, on recommendation from the minister's staff, agreed with the citizens that they should not be allowed to take that amount of water per day. The tribunal ordered that the company's water-taking be

restricted to 1.5 million litres per day. It also laid out conditions that it should have an independent auditor make sure the water-taking didn't exceed the permit. But OMYA wanted more and they've appealed to both the minister and the courts to overturn the decision and give them the water they asked for. The CEO of OMYA wrote a threatening letter to the government saying that if it didn't give in to their demands, they might have to re-assess their "investment and production plans" in Ontario.

The Environmental Review Tribunal stated that before there was an increase in water taken from the Tay, there should be a water budget done so the impact could be assessed. That has not been done. Justice O'Connor recommended the same thing. This government has not done anything on source protection. I appeal to the minister to not give in to the corporation's demand here and to do the right thing.

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### SISTERS OF THE ASSUMPTION OF THE BLESSED VIRGIN

**Mr AL McDonald (Nipissing):** Today I rise before the House to talk about a recent event that I attended in my riding of Nipissing.

Last Friday, I had the opportunity to celebrate the good work that the Sisters of the Assumption of the Blessed Virgin have done over the years. This event was held at the École Publique Héritage. Once a year, the school recognizes individuals who have contributed to the quality of life in the community. French education has really benefited from the work that the sisters have done over the years to ensure that students get the education they deserve. Had it not been for them, I am certain there would be a smaller percentage of French-speaking high school and university graduates in North Bay.

As one former student said, the sisters didn't just teach about things found in textbooks, they also taught about life lessons, morals and values. This is indeed something that is taught and not just understood at a very young age. Without a doubt, they have been wonderful role models for students to look up to.

Established in North Bay since 1920, the Sisters of the Assumption founded the first French-language Catholic secondary school in the region. I'd like to thank the sisters for all their dedicated service over the years. I know it is their hope that many more young women show an interest in pursuing sisterhood.

Bonne chance et merci beaucoup. J'espère que vous aurez beaucoup de bonheur dans votre vie.

### FINNISH COMMUNITY

**Mr Tony Ruprecht (Davenport):** Today, my colleague Michael Gravelle and I have the privilege to introduce to you and the House representatives of the government of Finland and of the Canadian Finnish community. They're here to celebrate—

*Applause.*

**Mr Ruprecht:** Oh, by golly. This is too early, Mr Speaker.

**Interjection:** Give him some more time.

**Mr Ruprecht:** They're here to celebrate the independence of Finland on December 6, 1917. They are Consul General Partanen, Dr Veli Ylänkö, Mrs Viola and Eric Lindala, Mr Kauko Leppälä, Mrs Meeri Apunen, Mr Veikko Kallio and some others as well. We welcome you to this Legislature.

Mr Speaker, with your permission, tomorrow at 12:30 the Finnish community of Canada is going to raise the white and blue flag right in front of the Legislature to celebrate this very important event. All of us are invited to participate.

What these colours remind us of are the great sacrifices Finns have made for their independence. Many people, in fact, hundreds died until Finland had their independence in 1917. What these colours also represent for us is the great contribution Finnish Canadians have made, not only in northern Ontario from Thunder Bay to Sudbury, but also to Toronto, with the Welland Canal, the new City Hall, structural engineering, and even music.

Finally, let me simply say this: these colours will also remind us of the greatest struggle for freedom in the history of modern times, namely, the independence of Finland when the Soviet forces outnumbered the Finns by 10 to one. They fought them to a standstill and great sacrifices were made. In fact, the Finnish population lost half of their men in uniform between the ages of 18 and 25, so it is this generation of Canadians and Finns who know about the struggle for independence, freedom and democracy. They carry on with the torch for freedom into the future. They're the ones who are showing us what to do. They're the ones who deserve an independent Finland for the future. Canada and Finland will be together to have this fight continue.

**The Speaker (Hon Gary Carr):** I thank the member. We welcome our honoured guests.

#### CHRISTKINDL MARKET

**Mr Wayne Wettlaufer (Kitchener Centre):** About 700 years ago, around the year 1310, Germans in Munich participated in an annual opportunity for farmers to go to town to do some shopping and offer their wares for sale. It was called the Nikolausdult Market. To this day, the festival continues in Munich. However, as times change, so do customs and traditions. The festival is now called Christkindl Market, or Christ Child Market.

Along with the new name, this popular festival has adopted new traditions. As the custom of giving gifts became popular around this time of year, the market adopted the custom. The markets became a popular venue for crafts, gift items and foods, and of course a place for the sale of toys for children. They became world renowned for their ceremonies, festivities, entertainment and outstanding gifts and food.

I am proud to say that Kitchener city hall is hosting Canada's own original Christkindl Market. They started yesterday evening and will continue through Sunday, December 8, 2002. Over 25,000 people from across North America come to experience this event. Dozens of volunteers contribute their time and efforts to the success of this event. I will be volunteering my time at the German-Canadian Business and Professional Association booth on Sunday, December 8.

My personal thanks go to Mr Tony Bergmeier and the German community of Kitchener, who organize the event, for their hard work. I invite everyone to come to Kitchener city hall throughout the next three days to experience Ontario's and Kitchener's own Christkindl Market.

#### ADJOURNMENT DEBATE

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Speaker: I seek unanimous consent of this House to reschedule the late show for this evening. Minister Coburn is unable to attend as a result of scheduling, and our offices have come to a mutual agreement to reschedule the late show for Tuesday, December 10.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed. I thank the member for that.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Norm Miller (Parry Sound-Muskoka):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 195, An Act respecting safe drinking water /  
Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated November 6, 2002, the bill is ordered for third reading.

##### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Joseph Spina (Brampton Centre):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 180, An Act to enact, amend or revise various Acts related to consumer protection /  
Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.



**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated Tuesday, November 19, 2002, the bill is ordered for third reading.

#### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Mr John Gerretsen (Kingston and the Islands):** I beg leave to present a report on the integrated justice project from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr Gerretsen:** There are 10 recommendations contained in this report. I'll briefly mention three of them. The ministry should take the necessary steps to ensure the integrated justice project will be completed and fully implemented. The Management Board Secretariat should assess the provincial common purpose procurement model and address any shortcomings, taking into account the experience of the integrated justice project. Finally, the third recommendation I want to draw attention to states that the ministry should ensure that consulting and related services can be demonstrated to have been acquired competitively and managed in compliance with government policies and procedures, and that payments are made in accordance with contractual terms and conditions.

I move adjournment of the debate at this point.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Joseph Spina (Brampton Centre):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation / Projet de loi 151, Loi concernant la Société de revitalisation du secteur riverain de Toronto.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated Wednesday, October 16, 2002, the bill is ordered for third reading.

#### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Norm Miller (Parry Sound-Muskoka):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill 175, An Act respecting the cost of water and waste water services / Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated November 4, 2002, the bill is ordered for third reading.

#### INTRODUCTION OF BILLS

##### EVES TOLL ROAD ACT, 2002

##### LOI DE 2002 SUR LA ROUTE À PÉAGE EVES

Mr Phillips moved first reading of the following bill:

Bill 221, An Act to name Highway 407 / Projet de loi 221, Loi visant à nommer l'autoroute 407.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The member for a short statement?

**Mr Gerry Phillips (Scarborough-Agincourt):** I've always felt for some time that Premier Eves has not received the recognition he deserves for 407. This bill will name the 407 the Eves Toll Road. I think it will be relatively inexpensive because, as I think most people know, it's called the ETR currently, so the signs will not have to be changed in order to do that.

#### DEFERRED VOTES

##### HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

##### LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Deferred vote on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1353 to 1358.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted	Gerretsen, John	Mushinski, Marilyn
Baird, John R.	Gilchrist, Steve	Newman, Dan
Bartolucci, Rick	Gill, Raminder	O'Toole, John
Beaubien, Marcel	Gravelle, Michael	Ouellette, Jerry J.
Bisson, Gilles	Hampton, Howard	Parsons, Ernie
Bountrogianni, Marie	Hardeman, Ernie	Peters, Steve
Boyer, Claudette	Hodgson, Chris	Phillips, Gerry
Bradley, James J.	Hudak, Tim	Prue, Michael
Bryant, Michael	Jackson, Cameron	Pupatello, Sandra
Caplan, David	Johns, Helen	Ramsay, David
Christopherson, David	Johnson, Bert	Runciman, Robert W.
Chudleigh, Ted	Kells, Morley	Ruprecht, Tony
Churley, Marilyn	Klees, Frank	Sampson, Rob
Clark, Brad	Kormos, Peter	Sergio, Mario
Clement, Tony	Lalonde, Jean-Marc	Smitherman, George
Coburn, Brian	Levac, David	Sorbara, Greg
Colle, Mike	Marchese, Rosario	Spina, Joseph
Cordiano, Joseph	Marland, Margaret	Sterling, Norman W.
Crozier, Bruce	Martel, Shelley	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Stockwell, Chris
Curling, Alvin	Maves, Bart	Tascona, Joseph N.
DeFaria, Carl	Mazzilli, Frank	Tsubouchi, David H.
Dombrowsky, Leona	McDonald, AL	Turnbull, David
Duncan, Dwight	McLeod, Lyn	Wettlaufer, Wayne
Dunlop, Garfield	McMeekin, Ted	Wilson, Jim
Ecker, Janet	Miller, Norm	Witmer, Elizabeth
Elliott, Brenda	Molinari, Tina R.	Wood, Bob
Galt, Doug	Munro, Julia	Young, David

Gill, Raminder  
Hardeman, Ernie  
Hodgson, Chris

Mushinski, Marilyn  
Newman, Dan  
O'Toole, John

Young, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Bartolucci, Rick	Curling, Alvin	McMeekin, Ted
Bisson, Gilles	Dombrowsky, Leona	Parsons, Ernie
Bountrogianni, Marie	Duncan, Dwight	Peters, Steve
Boyer, Claudette	Gerretsen, John	Phillips, Gerry
Bradley, James J.	Gravelle, Michael	Prue, Michael
Bryant, Michael	Hampton, Howard	Pupatello, Sandra
Caplan, David	Kormos, Peter	Ramsay, David
Christopherson, David	Lalonde, Jean-Marc	Ruprecht, Tony
Churley, Marilyn	Levac, David	Sergio, Mario
Colle, Mike	Marchese, Rosario	Smitherman, George
Cordiano, Joseph	Martel, Shelley	Sorbara, Greg
Crozier, Bruce	McLeod, Lyn	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 49; the nays are 35.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated November 21, 2002, the bill is ordered for third reading.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 84; the nays are 0.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated November 25, 2002, the bill is ordered for third reading.

**KEEPING THE PROMISE  
FOR A STRONG ECONOMY ACT  
(BUDGET MEASURES), 2002**

**LOI DE 2002 SUR LE RESPECT  
DE L'ENGAGEMENT D'ASSURER  
UNE ÉCONOMIE SAINTE  
(MESURES BUDGÉTAIRES)**

Deferred vote on the motion for second reading of Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

**The Speaker (Hon Gary Carr):** All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted	Hudak, Tim	Ouellette, Jerry J.
Baird, John R.	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Marland, Margaret	Stockwell, Chris
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
DeFaria, Carl	Maves, Bart	Tsubouchi, David H.
Dunlop, Garfield	Mazzilli, Frank	Turnbull, David
Ecker, Janet	McDonald, AL	Wettlaufer, Wayne
Elliott, Brenda	Miller, Norm	Wilson, Jim
Galt, Doug	Molinari, Tina R.	Witmer, Elizabeth
Gilchrist, Steve	Munro, Julia	Wood, Bob

**Ayes**

Arnott, Ted	Gerretsen, John	Parsons, Ernie
Baird, John R.	Gilchrist, Steve	Peters, Steve
Barrett, Toby	Gill, Raminder	Phillips, Gerry
Bartolucci, Rick	Gravelle, Michael	Pupatello, Sandra
Beaubien, Marcel	Hardeman, Ernie	Ramsay, David
Bountrogianni, Marie	Hastings, John	Runciman, Robert W.
Boyer, Claudette	Hodgson, Chris	Ruprecht, Tony
Bradley, James J.	Jackson, Cameron	Sampson, Rob
Bryant, Michael	Johns, Helen	Sergio, Mario
Caplan, David	Johnson, Bert	Smitherman, George
Chudleigh, Ted	Kells, Morley	Sorbara, Greg
Clark, Brad	Klees, Frank	Spina, Joseph
Clement, Tony	Lalonde, Jean-Marc	Sterling, Norman W.

**ELECTRICITY PRICING,  
CONSERVATION  
AND SUPPLY ACT, 2002**

**LOI DE 2002 SUR L'ÉTABLISSEMENT  
DU PRIX DE L'ÉLECTRICITÉ,  
LA CONSERVATION DE L'ÉLECTRICITÉ  
ET L'APPROVISIONNEMENT  
EN ÉLECTRICITÉ**

Deferred vote on the motion for second reading of Bill 210, An Act to amend various acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1405 to 1410.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.



Coburn, Brian	Marland, Margaret
Colle, Mike	Martiniuk, Gerry
Cordiano, Joseph	Maves, Bart
Crozier, Bruce	Mazzilli, Frank
Cunningham, Dianne	McDonald, AL
Curling, Alvin	McLeod, Lyn
DeFaria, Carl	McMeekin, Ted
Dombrowsky, Leona	Miller, Norm
Duncan, Dwight	Molinari, Tina R.
Dunlop, Garfield	Munro, Julia
Ecker, Janet	Mushinski, Marilyn
Elliott, Brenda	O'Toole, John
Galt, Doug	Ouellette, Jerry J.

Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

I also believe we have unanimous consent to wear pins and red roses, the symbol of the national action day of remembrance.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mrs Cunningham:** December 6 is Canada's national Day of Remembrance and Action on Violence Against Women. The rose button is produced to commemorate this day and to remember the 14 young women killed in Montreal on December 6, 1989, and all women affected by violence, and of course to send our best wishes, personal regards and sympathies, as always, to the victims' families and friends. Violence against women is a societal issue that affects women, men and children. We can all contribute to making our society a healthy one by supporting anti-violence work in our communities.

We all have this bookmark today to remind us. This is a production of the YWCA of Canada's proud sponsorship of the distribution of the rose button. With member associations right across this great country, the YWCA of Canada provides community-based programs and services across the country in areas of anti-violence, housing, child care, employment, training, health, wellness and fitness in a caring, supportive environment. We want to thank them and the hundreds of sponsors who try to keep this day as one for all of us to remember, and to move forward.

Right here in Ontario our government is committed to assisting women and their children to live free from violence. We continue to take a comprehensive approach, across nine ministries, to domestic violence which focuses on protection and prosecution, support for victims and prevention and education. All levels of government and all members of society must work to stop the violence. It's that simple: stop this violence.

Our government, through our Ontario Women's Directorate, is committed to promote both stopping the violence in any way we can across all ministries and to promote women's economic independence. Funding for programs to combat violence against women has increased 70% since 1995. For example, on September 5, 2002, the government announced our most recent commitment of \$21.4 million in new funding and measures to further address this serious issue. At the top of the list are shelters and services for women.

Just this morning, the Ontario Women's Health Council, a council of our government, announced a \$3-million research program to identify the most effective screening tool for women abuse, and the list goes on; we keep trying in every way we can, together. To be used in a variety of settings, this tool in the health care system will help health care professionals identify abuse earlier and will get women and their children the support they need sooner.

While we've made good progress, I believe, we know that there's always more to do. Just two days ago, the federal-provincial-territorial ministers responsible for the status of women released a statistical profile on violence against women which shows that women continue to be

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles	Hampton, Howard	Martel, Shelley
Christopherson, David	Kormos, Peter	Prue, Michael
Churley, Marilyn	Marchese, Rosario	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 75; the nays are 8.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated December 3, 2002, the bill is ordered for third reading.

#### VISITORS

**The Speaker (Hon Gary Carr):** Just before we begin, we have a former colleague in the members' gallery west, Mr Michael Cassidy, the member for Ottawa Centre in the 32nd Parliament. We welcome our colleague.

#### MEMBER'S BIRTHDAY

**Ms Marilyn Mushinski (Scarborough Centre):** On a very brief point of order, Mr Speaker: Last week we did recognize the celebration of a 45th wedding anniversary in this House. There is a member who is celebrating her birthday in this place today and I would like to wish her a very happy birthday. That's the Honourable Dianne Cunningham.

**The Speaker (Hon Gary Carr):** Happy birthday, Minister.

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** Thank you very much, everyone.

#### DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I believe we have unanimous consent for all parties to make a five-minute statement to commemorate the national Day of Remembrance and Action on Violence Against Women.

more likely victims than men, and victims of the most severe and ongoing forms of spousal assault. I represented our government on that provincial territorial council for six of the seven years that we've been in government. The two focuses of that council right across the country that represents women's issues are, first of all, "Stop the violence," and second, women's economic independence.

Each one of us can make a difference by supporting women's rights to choose their own paths and achieve their goals. Today all of us in this House, in a very non-partisan way, urge everyone to take this message to their communities, to their own homes and to members of their families, and just think about those 14 women who were murdered in Montreal, and remember the many others who have become victims of violence since that day. Their memory motivates and guides us, and we have to remember that it's up to each one of us to make a difference.

1420

**Mrs Marie Bountrogianni (Hamilton Mountain):** I too rise in memory of the 14 women, the engineering students, who were massacred 13 years ago, and of the hundreds and thousands of women who have died alone in their homes, for whom there is no national day of mourning.

Today in Canada we mark the national Day of Remembrance and Action on Violence Against Women. The massacre was a tragedy, as well as a significant loss to society. We still struggle for equal female representation in our science-based programs and professions. Programs like engineering still have the challenge of many fewer females than males. At the time of the Montreal massacre, only 13% of engineering students in the country were female. Today it sits at 20%. The 14 women who lost their lives were, therefore, exceptional. They fought against the mould, had fought the stigma and the stereotypes aligned against them.

Let us reflect for one moment on what the years have meant since this most horrific act 13 years ago. The Montreal massacre was the work of someone who blamed those innocent women for his own failure to succeed. He blamed women for preventing him from obtaining what he thought was rightly his. It is this ignorance, this belief, that enables violence against women to continue. By failing to understand that all people are equal, some individuals are able to project their anger, their dissatisfaction with life upon the women in their lives. This is wrong.

Violence against women is not normal, is not OK and can never, ever be rationalized. We must fight the roots of this violence: poverty, ignorance and discrimination of any kind. We must start with good supports for families and sound educational programs. We must, as parents, teach our own children to take responsibility for their own actions.

Despite our efforts in this country to address the tragedy of wife assault, the number of men accused of killing their partners or former partners rose by 33%, with most of the increase occurring in our province. We

know what we need to do. The recommendations of the Hadley inquest are clear and need to be implemented. Tragically, women continue to be killed by their partners.

I want to speak once again about the important role that second-stage housing plays in preventing such tragedies. Shelters can only house women and children for up to six to eight weeks. They turn women away because they are full. This is where second-stage housing kicks in and gives secure housing for up to a year, along with consistent counselling for children and women who have been abused and who have observed abuse. It's very important to have this consistency. Before 1995, Ontario funded these programs. They cut the funding the minute they came to power. I'm proud to say that under a Dalton McGuinty government we would reinstate funding for second-stage housing.

A few weeks ago, I brought women from second-stage housing from Hamilton. Yesterday, women came from a rural area to educate all of us on additional barriers to rural women fleeing domestic violence. They came from Norfolk county. They came to ask me to ask the minister responsible for second-stage housing to answer their question. With all due respect to the minister who answered the question, it was not what the people came here to hear. They came to hear from the minister for women's issues.

When I went back to my office, I received an e-mail from a young University of Toronto student I don't know. "I am studying here at the University of Toronto, and my friend Patrick and I sometimes stop by to listen in on question period. We were here today and witnessed the horrible reception given to the petitioners that" came "down to Toronto. Dianne Cunningham's 'response' to your questions on second-stage housing was unbelievable, and I was disgusted and ashamed to be a citizen of a province that would abandon these women with such cold-hearted cruelty—not even to look them in the face and answer a simple question is appalling."

Some of the barriers they brought in do have to do with the area of the minister for community and social services, who responded. Jennifer, for example, lost her children voluntarily because she didn't have shelter. Paige, 32 years old, with three children aged 10, six and four, exposed the difficulties with Ontario Works when you're fleeing abuse. The police told her, and quite rightly so, to get to a shelter. She had to leave a job to get to the shelter. When she asked for help, she had to go through all the details of her abuse so that she could convince the authorities she had to leave her job. These are just some of the many stories I heard yesterday.

Thirteen years ago, 14 women were sacrificed. Since then, hundreds have suffered the loss of their lives at the hands of their partners or former partners. Let's finally work to address this tragedy and not let them have died in vain.

**Ms Marilyn Churley (Toronto-Danforth):** Once again, I rise in this House on behalf of the New Democratic Party to send our condolences, even 13 years later, to the families, friends and loved ones of the 14 young



women who died in Montreal. Once again, all these years later, we mourn and we remember.

I don't know about others in this Legislature and those who may be watching, but tomorrow is December 6, and I will once again be at a ceremony at Women's College Hospital holding in my hand a red rose to symbolize the life of one of those young women who was gunned down that horrible day, 13 years ago.

Having done that every year for a number of years, perhaps it keeps it fresher in my mind, because I sit there with the other women and we hold those red roses, each symbolizing the name of a young woman who used to live, who was bursting with life, full of promise, and who was gunned down. At the end of that ceremony, we all walk to the front of the room and we each put our rose in that vase, and at the end of the ceremony you can't help but look at those red roses sitting in the vase and try to imagine the faces of these vibrant young women who were gunned down that day.

Today, I have some other names to read out in this Legislature. These are the names of women and children, family and friends, murdered in Ontario in the year 2002. They've been killed and we must not forget them either. They have been killed at the hands of spouses or ex-spouses: Karen Grubb, 33, a mother of three children; Wadha Albadri, 29, mother of three children; Glenda LaSalle, 36; Linda Mariani, mother of one; Alexis Currie; Marisa Pasqualino, 36, mother of four children; Shirley Snow, 44; Jessica Nethery, 21; Maria Fitzulak, 26, mother of two children; Mary Ellen Filer, 48, mother of two children; Shannon Cruse, 23, her daughter, Shaniya, 6, and her parents, Mary and Donald Cruse; Libuse Vesely, 77; Patrycja Skibinska, 17; Karen Drinkwalter, mother of two; Kelly Glover, 36, mother of two; Cheryl Lynn Topping, 19; Robert Lawrence Mends, two; Gail Bonita Blunt, 39, mother of two; Ling Wang, 32; Patricia Loyal, 48, and her daughter, Marissa, 13; Tracy Lynn Sweet, 32; and Betty Card, 15.

These are the names of women and children who in most cases have been killed by their spouses or ex-spouses in the past year. As we speak about this today, we have to understand that right now Ontario stands alone as the one province in Canada in which violence against women has spiralled tragically out of control. Across Canada, abuse is declining while in Ontario killings of women by their spouses or ex-spouses jumped by 25% in one year. The number jumped to 69 from 52 with virtually all the increase in Ontario from 2000 and 2001.

This year, the number has increased yet again. A survey of media stories provides us with a grim picture: 19 women have been killed by their spouses or ex-spouses in 2002. So I would say this today: it is time for the government to implement the recommendations of the May-Iles and Hadley inquiries. You must act on the emergency measures proposed by the coalition of 165 women's groups. You must solve the crises. The auditor found in last year's report women and children being turned away from overcrowded women's shelters in eight

out of Ontario's nine regions. You must fund or re-fund second-stage housing again.

Once again, on behalf of the New Democratic Party, I send out my condolences and thoughts to the families and loved ones of the 14 women murdered in Montreal and to all the families of all the women and children murdered by their spouses or ex-spouses in this province.

**The Speaker:** Would all the members and our friends in the gallery kindly rise for a moment of silence.

*The House observed a moment's silence.*

**The Speaker:** I thank all members.

1430

## VISITORS

**Mr Bert Johnson (Perth-Middlesex):** On a point of order, Mr Speaker: Sarah Donaldson has been a page from Perth-Middlesex. She comes from the Middlesex part of the riding. Today she would want me to introduce her mom and dad, who are in the members' west gallery, her two sisters who came with her and her paternal and maternal grandmothers.

**The Speaker (Hon Gary Carr):** I thank the member and welcome our guests.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Speaker: I want this chamber to join me in welcoming Carolyn Walker to this Assembly and, in addition, wishing her a happy birthday this coming weekend.

**The Speaker:** Happy birthday.

## ORAL QUESTIONS

### ACADEMIC TESTING

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. I want to ask you about the report card that came out on your government's handling of education today. It came in the form of the education quality office's test results for grade 3 and grade 6. For the last five years, half of the kids in this province in those grades have been struggling to meet the provincial standard for reading and writing, and 40% have been struggling to meet the provincial standard for mathematics. It's almost unchanged. There is no improvement. Worse than that, this year there are still 38,000 kids in grade 9 taking applied math who did not reach the provincial standard in applied mathematics. I want to ask you, are you satisfied with those results for students in Ontario?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** Yes, the results did become public today. I think it's important to keep in mind that our government was actually the very first one in the history of this province to identify and set about the means to measure literacy and numeracy skills so we could use that knowledge to support and provide the resources to the students in the classroom. That also means we're going to have to

make sure the resources reach the teachers so we can give them the support they need.

I would simply say to you that we are making progress, but there is more work to be done. That's why we've set up the early numeracy and early literacy programs.

**Mr Kennedy:** Minister, there are 38,000 kids who are not getting their credits, who are not passing the test in grade 9, and you're sitting there, satisfied. Their results would have been better, and the grade 3 and grade 6 results would have been better, if not for your negligence.

When you brought in this historic test you referred to, the very agency you set up said to you, "Set a target. Be serious about how well students do. Take responsibility for how well they do in school. Then also provide the resources." I would submit that you've failed to do either.

We have set a target in our plan. We believe that 75% of Ontario's children should reach the provincial standard within four years.

Minister, I want to ask you, on behalf of those 38,000 children in grade 9 who are waiting for you to respond, on behalf of all the kids who had to go through this testing that you spent \$50 million on, will you adopt our target and start taking responsibility for helping kids do better in our schools?

**Hon Mrs Witmer:** I might just remind the member opposite that it was our government that first decided to even undertake this. I don't remember your government ever deciding to do this. I'm glad, finally, even though you haven't supported it in the past, that you now recognize that there is some value to identifying how well our students are doing and then providing the necessary resources.

Let me tell you what we've done. As a result of what we know, we now have remediation supports, which are being targeted to help the students in need. In fact, there is \$25 million for students annually in grades 7 to 10. There's \$70 million in ongoing funding to help improve reading. We have, as I said before, introduced early reading and math strategies. As you know, we have extended those from JK to grade 6.

We have support for students at risk. In fact, today I have a committee of people from across the province of Ontario who are helping us to make sure that we have the plan, we have the strategies and we have the resources to support those students who need extra help. We've invested \$370 million to help our teachers.

**Mr Kennedy:** This is seven years of turmoil and neglect. To see the minister rise in the House content with how badly students are faring—80% of the students taking applied math failed this test, Minister, and you stand in this House happy with that result. I'll give you an example of what your intervention looks like. This year you've cut the spending on early reading by two thirds. Minister, more than that, you spent \$3 million on television ads—expensive, slick television ads—to talk about early reading. Instead, what do we find out today? We find out that for achievement in grade 3 there has

been no improvement; 50% of grade 3s still can't meet the provincial standard—the same as five years ago.

Minister, will you today take responsibility, set a target and commit the resources to have kids in this province do better, or will you continue to squander \$50 million of our education money on tests that go nowhere under your administration?

**Hon Mrs Witmer:** I just heard the finance minister say that this is Liberal math that the member opposite is using. However, I would say to you that the information that we have is that if we take a look at how our students are doing internationally—and I think this is important—I can tell you that our tough new curriculum, with the support of our hard-working, dedicated teachers, is demonstrating that Ontario students are doing well. In English, Ontario's ranking in Canada improved from 15th to 14th—this was in the English math program. Internationally, in reading for 15-year-old students among 32 countries, only Finland did better than Ontario. In science for grade 8 French students it's 30 points higher—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

#### MINISTER'S COMMENTS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Minister of Public Safety and Security. Your reaction over the past two days to the Provincial Auditor's report goes against the rules and traditions of this place. Following the auditor's report you said—and this is a direct quote from a recording, "I'm implying that it's certainly, with many respects, inaccurate and misleading." When confronted yesterday, you said that you—and again I'm quoting—"never said such things." When confronted by the media yesterday you denied saying these things. Minister, the Provincial Auditor is an officer of this Legislature. You attempted to undermine his reputation for competence and impartiality. Do you believe this is appropriate conduct for a minister of the crown?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I don't think I did what the member opposite is suggesting. In fact, I'm a former chairman of the standing committee on public accounts. I worked with Mr Peters and his predecessor, Doug Archer. I have enormous respect for the officeholders, the office and the role they play.

I'm also the minister responsible for public safety and security. When this office releases a report that indicates there are 3,000 serious offenders wandering the streets of Ontario unmonitored, I think I have a responsibility as minister to respond to that. When facts are placed before me by officials within my ministry which are dramatically contradictory to what was released by the Provincial Auditor, again, I believe, as the minister responsible for this portfolio, I have a responsibility to make those facts public.



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**Mr Duncan:** Minister, the auditor said today that you challenged the credibility of his office. He confirmed and demonstrated that there are 10,000 outstanding arrest warrants in Ontario, some dating back 10 years. During committee today, the auditor made a very compelling case that the numbers you cited are in fact incorrect. Instead of fixing the problem, you have attempted, and even today are attempting, to discredit the auditor. We believe this behaviour does not become a minister of the crown.

Will you now acknowledge that the facts put forward by the Provincial Auditor are the correct facts, and that what you said and did in this House was not an appropriate response to such a significant issue?

**Hon Mr Runciman:** My deputy is certainly prepared to sit down with Mr Peters and discuss this issue with him. He has indicated that to me today.

I want to say that with respect to this whole issue of the numbers, when we're talking about the relevance and accuracy of the numbers, when you publish a figure of 3,000 serious offenders in our community being unmonitored, it's a serious suggestion, accusation or allegation. I have a responsibility to pursue that.

The auditor has indicated that his numbers were an estimate. I think in committee he said "a best guess-timate." Our numbers are based on CPIC. I don't want to get into a stone-throwing contest with the auditor. That's the least of my concerns. My concern is allaying any public safety concerns that were raised as a result of the publication of those numbers. The numbers I've been provided with by the ministry officials based on CPIC analysis are the ones I will stand by.

**Mr Duncan:** Minister, referring to the auditor's report, you said, "I'm implying that it's certainly, with many respects, inaccurate and misleading." Three times you repeated the word "inaccurate." Twice you repeated "misleading." You even questioned his fairness, saying, "Maybe that's not his role." This is an unprecedented attack by a minister of the crown on the Provincial Auditor. As bad as that was, you made it worse when you came into this House and denied making the statement you had clearly made.

This is not about the integrity of the auditor, whose report is clear. The auditor gave your deputy minister and your officials many opportunities to reply to the numbers, and they never did. The first time we had it was yesterday. The auditor puts a compelling case that in fact his numbers are accurate and yours aren't. Why don't you do the right thing and acknowledge that the auditor's numbers are right and that you as minister have not done enough to deal with the serious issues he's raised in this House and in this Legislature?

**Hon Mr Runciman:** This is certainly not about the integrity of Mr Peters. I have enormous respect for him and the job he does. He raised, I think, some serious and relevant issues. I'm not happy with 178 serious offenders not being monitored. I wouldn't be happy with one. But I think I have a responsibility when the auditor puts a

figure out, an estimate suggesting to the public of Ontario that there are 3,000 serious offenders on the streets of this province, to check that out. I have a responsibility to put the real facts on the table. What the opposition is suggesting is that I should not respond in a truthful way to this situation. That's not a role I'm prepared to play simply to be politically correct.

## HYDRO GENERATION

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Energy. The independent market operator tells us that this week several electricity generating stations are out of commission; they're not producing electricity. He also tells us that Ontario is close to brownouts and blackouts because of that situation. Yet, because you don't want the people of Ontario to know about the nasty part of hydro deregulation and privatization, which generating stations are shut down is kept secret from the public. You've imposed an information blackout on the consumers of Ontario. Minister, which electricity generating stations are down and why are you trying to hide this information from the hydro consumers who deserve to know it and need to know it?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** To listen to the question of the member opposite, you would think that he would suggest that we're trying to keep brownouts from the people of the province of Ontario. There haven't been any, and they're certainly not anything we would want to keep from the public.

I do think it's important that in a competitive market environment we respect the obvious challenge that full disclosure would pose. If people knew that one plant was down, that could help a competing firm, whether it was Ontario Power Generation or another market participant. I don't think that would be in the best interests of consumers. I don't think it would be in the best interests of competitive and low prices for working families in the province.

**Mr Hampton:** Minister, you can get this information on a Web site in California, and you can get it on a Web site in Alberta. They don't seem to share your concern. In fact, what's really going on here is that by keeping all this information secret, you're really saying you are more in favour of corporate secrecy than you are of protecting the public interest. What it means is that the hydro-electricity system can be manipulated and the price driven through the roof. Minister, don't you think the people of Ontario deserve to know whether or not the lights and the heat will come on when they flick on the switch?

**Hon Mr Baird:** The people of Ontario just have to flick the switch and they'll know whether the lights come on. It'll happen 365 days a year.

I never thought I would see the leader of the third party stand in his place and say, "Well, they do it in California. They do it in Alberta. Why can't we do it here?" Obviously, there are competitive reasons why you

wouldn't want such information disclosed in the current system that we have in Ontario. We did have a number of units off being refitted, making the substantial investments in anti-pollution and pollution abatement materials with our coal plants. There were a few coal plants down because the Ernie Eves government is making substantial investments in anti-pollution and pollution abatement equipment at those coal-fired plants. On occasion, a unit or two will go off in various plants, and that was a concern earlier this week. But I was pleased that the professionals at the independent market operator worked hard and the lights stayed on.

**Mr Hampton:** Yes, the hydro independent market operator had to import 3,000 megawatts of electricity to save your bacon, Minister. The result of that is that the price of electricity in the deregulated, privatized system rose to 23 cents per kilowatt hour. That's five times what you're trying to tell the public out there the price is. You hope that by imposing hydro rate caps of 4.3 cents per kilowatt hour you can hide that 23 cents per kilowatt hour price from people, but all it means is this: what people aren't paying now before the election, they will pay for even more after the election when their hydro bills go through the roof. That's what's really going on.

Minister, don't you think it's time you simply admitted that hydro privatization and deregulation isn't working in terms of providing stable supplies of power? It certainly isn't working in terms of price when you have to cover up a price that's five times what you say it is. Why don't you just end it now, rather than continuing with this charade?

1450

**Hon Mr Baird:** In fact, he is correct. The price did reach almost 23 cents on the day. It also reached as low as six cents a kilowatt hour. I know the member opposite would want to put that on the record. Obviously it was a concern with respect to the price of electricity on those days. I think it's important that the IMO went to work on behalf of the people of Ontario.

Every day in the five years the NDP were in power, every single day, we imported electricity. It's not something new in this period after May 1. So the member opposite certainly did not practise what he preaches when he was in government.

We brought forward an action plan to lower hydro rates to 4.3 cents for consumers, for working families, for small business people, for farm operators. I think that's in the best interests of the people of the province. It allows us to work at bringing on new supply where we'll see more than 3,200 megawatts of new electricity available to the people of Ontario next year that we didn't have this summer. That'll be good for consumers, it'll be good to keep the lights on and I believe it'll have a very positive effect on price.

### CONTAMINATED SOIL

**Ms Marilyn Churley (Toronto-Danforth):** My question is for the Minister of the Environment. The people of

Port Colborne risk getting sick from soil contaminated by the Inco nickel smelter, and now they have to live with the knowledge that you don't care. Your government's own health risk assessment, completed in March 2000, shows that the risk of cancer from contaminated soil is 16 times higher than your own government's guidelines, yet you accepted a cleanup order that didn't even consider the cancer risk. When the residents appealed that order, we find out that you, your Environmental Review Tribunal and the Inco lawyers take the position that cancer is not a human health issue. Minister, I ask you, how can you sleep at night knowing that you violated your own guidelines and are exposing Port Colborne residents to 16 times the acceptable cancer risk?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Just to get it on the record off the top, obviously cancer is a medical and health issue, and of course we take it very seriously. To suggest otherwise I think may become a little too partisan, with respect to the question. I don't think anyone here would suggest for a moment that in any situation where cancer is caused, it's not a serious issue we should all be looking at.

I appreciate your question. I understand the concerns of the people in the community. Inco has commissioned a community-based risk assessment for soil remediation in Port Colborne. The CBRA process was approved by city council in 2000 and included establishment of a public liaison committee to ensure the public is represented and consulted throughout the process. The Ministry of the Environment will continue to address soil contamination. The draft reports for ecological and human health risk assessment components and community-based risk assessment are scheduled for technical review by a technical steering committee component, a public liaison committee in June 2003.

To suggest we've ignored this issue I think is profoundly unfair. We've been on top of this. We've been working with Inco. We've been working with the community. I've been working with Mr Hudak, who represents the community and is very cognizant of the issue and cares very deeply for these people.

**Ms Churley:** Minister, I want a specific answer that you are going to include the cancer risk in the soil cleanup. You can make all the excuses you want, but this is your responsibility. The facts remain: the people of Port Colborne have to endure a greater than acceptable cancer risk. They are fearing for the health of their community. Your own study of two years ago shows that the cancer risk is 16 times higher than the acceptable guidelines, yet you ignored that serious risk in your cleanup order. That is a fact.

Minister, you have a choice to make here. You can stick up for Inco, a big corporation that doesn't want to clean up, to spend the money to clean up this mess, or you can stick up for the health of the people of Port Colborne and order Inco to clean up the contamination and protect their health. Which is it going to be?



**Hon Mr Stockwell:** I'm fairly certain that you're not treating this in a partisan, unfair, unreasonable fashion. I know the member to be a very honourable member.

I can say to you that you know that the cancer risk issue will be dealt with in the community-based risk assessment process. I know that you're not suggesting for a moment that anyone in this ministry, anyone in this government would countenance any risk to the health of the people of this province with respect to cancer-causing issues. I know you wouldn't make that allegation. I know, because no honourable member in this House would make it. I know that you know that we've worked with the community. I know that you know we've met with the community and created community-based associations to deal with the risk management. I know that you would never suggest that I would be part of any process that would put the health of constituents in this province at risk of getting cancer. I know you would never say that.

#### MINISTER'S COMMENTS

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of Public Safety and Security. As a senior member of this Assembly and a senior minister of the crown, and as past Chair of the public accounts committee, I'm positive that you think it's absolutely necessary that the integrity of the offices of this Assembly be maintained, because they report not to you, not to us, but to all of us as representatives of the people of Ontario. He told us in committee on more than one occasion this morning that the numbers were cleared with your ministry and the methodology he used. I'm quoting directly: He states, "The numbers were cleared with the bureaucracy of the ministry." On at least five or six occasions over the last five or six months he met with senior members, including the deputy minister for your ministry, and—again I'm quoting—"No concerns were expressed to us by the ministry. The only thing the ministry was concerned about was that it was police responsibility to enforce the warrants."

Taking all that into account, and taking into account what you said about him, how he was misleading us, do you not think that at this time it is appropriate for you to apologize to him and to us, and through us to the people of Ontario, for what you said about his report the other day?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I'm certainly not about to apologize to the honourable member opposite, but I will say that we have a disagreement here. The deputy has agreed to sit down with Mr Peters and discuss this. I've given the accurate figures as provided by the ministry, off CPIC, and no apology is necessary. Once again I want to indicate that nothing I've said reflects on the integrity of Mr Peters as the Provincial Auditor of this province. I respect him as an individual and very much respect the job he's doing.

**Mr Gerretsen:** Let me quote something else that you said. These are quotes from the press conference, from the scrum that you gave the other day: "And when you have someone like the Provincial Auditor using an estimate, and he admits it's an estimate, and using a high-end estimate, you know, I'm obviously bothered by that. I'm concerned that it leaves a wrong impression, a misleading impression." That's what you said.

He has met with your deputy and other senior members on at least a half-dozen occasions. He has had all the meetings. They went through the numbers. As a matter of fact, what he said in committee this morning was that he used a lower estimate, because they had actually talked about a higher number than 10,000. By the way, you darn well know that not every municipal police reports to CPIC. The CPIC numbers have nothing to do with the numbers he quoted and the numbers that were agreed to by your ministry when they met with him. They signed off on the facts that he put in his report. Will you not do the right thing now and either resign or apologize for what you said about him?

**Hon Mr Runciman:** With respect to the discussions that occurred, I think we've agreed to disagree. With regard to CPIC versus best guesses, I'll opt for CPIC every time.

#### ONTARIO ECONOMY

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question this afternoon is to the Minister of Finance. Yesterday you provided the members of this House with an update on the province's economic outlook when you delivered the fall statement. I was very pleased to hear that growth for this year will be strong and that forecasts were revised upwards to 3.5% real growth from 3.2% projected at the time of the budget. I noticed, though, that next year's growth is expected to be 3.5%, compared to the previous forecast of 4.3% that you made at the time of the budget. Does this mean that my constituents in the great riding of Bramalea-Gore-Malton-Springdale and people across Ontario should be worried about the economy?

**Hon Janet Ecker (Minister of Finance):** I thank the honourable member for the question. There's no question that private forecasters have a more cautious outlook for the global economy next year. But still with that, in Ontario we are doing better and we are expected to do better than our G7 nation colleagues, if you will, with real growth next year of 3.5%. I think it is very good news that the economy is rebounding from the just over 1% growth that we had last year. But I think what probably proves the point even more is the fact that we have over a million net new jobs in this province. The majority of them are full-time jobs, with job growth in every region of the province: the north, the south, the east, the west and central. These are jobs for Ontario families that help them keep the promise for growth and prosperity.

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**Mr Gill:** Minister, thank you for that answer. While I'm very pleased to hear that we are on track for a fourth consecutive balanced budget, I wonder how the need to invest in priorities and meet economic challenges will affect this noble goal. Will our government have to sell over \$2 billion worth of assets in order to balance our books?

**Hon Mrs Ecker:** I think it's important to recognize that when we came into office in 1995, we inherited a government that was spending \$1 million more an hour, going into debt. We turned that debt train around. We stopped it dead in its tracks. We've been paying back the debt, over \$4.5 billion. In the June budget we set out a plan. As the budget indicated, through SuperBuild we are going to continue to review assets that the government owns to ensure that taxpayers are getting the value they should be getting out of those assets. We laid the plan for revenues and expenditures in the budget. We are proceeding with that plan to another balanced budget.

#### MINISTER'S COMMENTS

**Mr Dwight Duncan (Windsor-St Clair):** My question is to the Minister of Public Safety and Security. Earlier today, contradicting what you said in *scrum* and in this House, the Provincial Auditor backed up his numbers with the following. He told the public accounts committee that he ran his numbers past your officials, including your deputy minister, several times and not once had they raised this concern. In your *scrum*, you implied in fact that he had never spoken to your officials about these issues. Can you tell us, then, Minister, how it is you can say on the one hand that the auditor had not consulted with your officials, and then turn around and say in fact he's wrong, without having ever criticized him? The simple fact is that your version of the numbers is not correct; the auditor's is. The auditor backed his numbers up sufficiently today. Will you tell us how that can happen? If you can't give a better explanation, why won't you resign until this is resolved?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** He should resign for not coming up with original questions. That's three in a row.

I said to the earlier questioner, the member for Kingston and the Islands, that we have agreed to disagree on that with respect to the auditor's position. I have been assured by officials in my ministry that officials did challenge the numbers and did challenge the methodology. The deputy is going to sit down. He's had that discussion with Mr Peters. We're going to pursue that. Obviously we have a misunderstanding somewhere along the line, but certainly the view from my ministry officials is that indeed they did challenge the numbers and the methodology.

**Mr Duncan:** First of all, nobody agrees to disagree. In fact, the auditor certainly doesn't agree to disagree. The auditor has been very clear: his numbers are accurate. This is the first time we can determine that any minister

of the crown has openly challenged an auditor, openly challenged an audit procedure, when in fact, before this was released, your ministry officials, including your deputy minister, had the opportunity on at least five occasions to challenge the numbers and didn't do it.

At what point, then, did your ministry decide to change the numbers? Why did they wait until this was made public? Why weren't those numbers challenged in the meetings? Will you now produce the evidence to say that your story hasn't changed from the time they were discussed internally until the time the report was released publicly the day before yesterday?

**Hon Mr Runciman:** The member opposite doesn't know whether he's coming or going on this issue; really, he does not. He talks about openly challenging an audit. That's what he just said. Has he ever heard of an audit that uses estimates or best guesstimates? We're talking about public safety issues here. We're talking about serious offenders on the streets of the province.

*Interjection.*

**Hon Mr Runciman:** That's right, absolutely right. You're saying, on one hand, you can say a figure here which is perhaps incorrect, but I don't have a responsibility to say what the facts are. That's what he's saying. That's a Liberal's view of responsibility. It's not a Conservative view of responsibility.

#### INNOVATION INDEX

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Associate Minister of Enterprise, Opportunity and Innovation. Of course, I'm speaking about the Honourable David Turnbull, the innovative, enterprising, hard-working member for Don Valley West.

Minister, I wanted to take this opportunity to bring to your attention the enterprise of the people of Stratford and the Discovery Centre. I'll get into more of the details with you when I have the specific request for help from your ministry.

I understand that earlier today you received Ontario's first innovation index. Can you take a moment and tell the members of this House and the people of Perth-Middlesex about the index and detail some of the findings from that study?

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** The innovation index, which was released by the Ontario Science and Innovation Council today, tells us where Ontario stands in terms of innovation. I'm pleased to report to the House that Ontario is faring very well overall.

Ontario ranks very high on a number of important indicators. We have a highly skilled workforce. In fact, Ontario has the highest population of bachelors' and masters' degrees in Canada. Household Internet use is up from 33% in 1997 to over 63% in 2001. With respect to the availability of venture capital for innovation, Ontario leads the rest of Canada and is one of the best among the Great Lakes states.



**Mr Johnson:** One of those other enterprising, opportunistic and innovative projects in my riding is the Canadian Baseball Hall of Fame and Museum in St Marys. They deserve an honourable mention at this time as well.

I know the index provides an excellent complement to the report of the Task Force on Competitiveness, Productivity and Economic Progress that was released last month at the Ontario Innovation Summit, which you of course attended and I did as well. Minister, can you elaborate on the findings of the innovation index and tell the members of the House how they compare with those of the first report of the task force?

**Hon Mr Turnbull:** In fact, the index report echoes many of the findings of the Martin task force. Outside of the United States, Ontario is now the most productive place on the face of the earth. Ontario has one of the most attractive R&D tax credit systems in the world. The after-tax cost of \$100 of R&D in Ontario can be as low as \$41. We have already stated that by the year 2006, Ontario will have the lowest combined corporate tax rate in the whole of North America. But there is still work to be done. We must work to close the prosperity gap with the United States and we must continue to promote commercialization.

The Martin report and the innovation index both indicate Ontario's—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up.

1510

#### CHILDREN'S MENTAL HEALTH SERVICES

**Mr Peter Kormos (Niagara Centre):** I have a question to the Minister of Health. In Niagara, there are no in-patient hospital mental health services for children. Why did you let the eight youth mental health beds intended for Niagara end up being located in Hamilton?

**Hon Tony Clement (Minister of Health and Long-Term Care):** In fact, our investments in all aspects of mental health have been a point of pride for this government. The investments since 1995 are certainly in the double digits, in the mid-20% range. The honourable member is also referring to, I believe, some of the investments that we intend to make once we have more of a handle on institutional care and what is appropriate for institutional care, but also what is appropriate for community care. We are certainly working with the implementation task forces to get those recommendations and to make the right decisions.

**Mr Kormos:** Minister, there is a crisis in mental health care for youth and adolescents in Niagara region. There has been a recent spate of teen suicides in Welland. The eight youth mental health beds in Hamilton are impossible to access. That means that competent, caring psychiatrists like Dr Thoppil Abraham have to put youth, children and adolescents into adult psychiatric wards when they require hospitalization. That's not only

counterproductive in terms of treatment, it's downright dangerous. You know it, or you ought to know it.

There are no in-patient hospital mental health services for children in Niagara. Why aren't you creating beds in Niagara to accommodate those children in extreme crisis, their families and the communities?

**Hon Mr Clement:** The honourable member is talking about a particular situation. I would certainly undertake to review it with him in greater detail. I would say this, however: when you look at the totality of our investments in this area, there has been a \$212-million increase in mental health investment since 1995-96. A lot of it, I will certainly concede to the honourable member, is community-based investment. Our investment in community-based mental health services has gone up by 92% because we've been trying to focus our investments in that area. That is the consensus amongst those who know the mental health area the best, that we have to focus in on more community-based mental health care and less so on institutional-based mental health care. We are following those recommendations and, indeed, we have put our money where our mouth is.

#### MINISTER'S COMMENTS

**Mr John Gerretsen (Kingston and the Islands):** I'd like to go back to the Minister of Public Safety and Security. The reason for doing that is because what you stated here earlier this afternoon when you said, "We agree to disagree," just isn't good enough, Minister.

The auditor was very clear, and I quote once again: "The numbers were cleared with the ministry, as well as the methodology used. We are in a very vigorous fact-finding process." He says that none of the numbers he produced were disputed by anyone within your ministry at any of the meetings he had. The last contact he had with your ministry, as a matter of fact, was on November 13, just immediately prior to putting the entire report together so we would have it here earlier this week. He says the number was cleared with bureaucrats of the ministry: "No concerns were expressed to me at all by the ministry." How can you possibly say, "We agree to disagree on the numbers"? He cleared the numbers with the ministry and, if anything, downplayed them.

If you feel the way you do, why don't you resign? Because what you're saying here is in direct contradiction of what he told the public accounts committee this morning.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** As is frequently the case, the member's argument is nonsensical, at best. I indicated earlier that I acknowledge what the member is saying with respect to, I gather, the auditor's testimony at committee. I'm indicating that the officials in my ministry have a different view of the world with respect to how these conversations occurred or did not occur. The deputy has called the Provincial Auditor and had a preliminary discussion. They are going to meet to discuss and review the situation.

**Mr Gerretsen:** He's now saying that basically he agrees with what the auditor said this morning in committee. You can't have it both ways. He cleared these numbers with your ministry over the last six months. You are publicly disowning those numbers. As a matter of fact, in your scrums you are saying that they are "inaccurate and misleading." Let me quote you again. You said, "I'm obviously bothered by that. I'm concerned that it leaves a wrong impression, a misleading impression" about a report that comes here from an officer of this assembly, on whom we all rely to make sure the taxpayers get value for money. You are disputing that. I think the proper thing for you to do, sir, is to resign until this matter gets resolved.

**Hon Mr Runciman:** Talk about convoluted logic. I stand by the numbers I was provided with by my ministry. I stand by the position that they take, that consultation did occur. There was a disagreement with respect to the numbers and the methodology used. If anyone should be resigning, perhaps it's the member for Kingston and the Islands for failing to clean up after his dog.

### BORDER SECURITY

**Ms Marilyn Mushinski (Scarborough Centre):** My question is for the great Minister of Public Safety and Security. Earlier this week the Commons committee for foreign affairs and international trade warned Canadians that our national government has failed to recognize the importance of common cross-border trade and security issues with our continental partners. In fact, this Liberal-dominated Commons committee has urged a proactive, strategic agenda to safeguard Canadian interests, including consideration of a continental security perimeter.

Minister, no one, I believe, has been more forceful in advocating for enhanced and effective security built upon the security perimeter concept than you, yourself, Ontario's Minister of Public Safety and Security. I would like to ask you for an update on our efforts to achieve this goal for all Ontarians.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** The threat of terrorism is multifaceted. At its most immediate it includes threats to persons and property, but for Ontario it also includes a threat to our economic security and the unprecedented prosperity and liberty it helps bring about. Ensuring security and confidence on both sides of the 49th parallel is a key component, a key strategy, in protecting and preserving the cross-border trade between our two nations.

Immediately following the terrorist attacks in the United States, Ontario took decisive action: a cross-border round table of industry leaders, a counter-terrorism summit and a Michigan-Ontario summit. I visited New York City to meet with counter-terrorism officials. We've appointed security advisors and created a security council, among other measures. The Eves government supports the concept of a continental security perimeter to ensure the safety and security of our province and to

make sure it doesn't come at the price of closed borders, plant shutdowns and economic crisis.

1520

**Ms Mushinski:** Minister, I want to thank you for what I consider to be a very comprehensive and detailed answer.

It's obvious that Ontario has recognized that leaving public security up to the federal Liberals naturally is a mistake. We're evidently taking the lead in ensuring that Ontarians' safety and security is well in hand. I want to ask the minister if he could provide us with his thoughts on what lies ahead to secure the common continental security perimeter, because obviously we can't trust the federal Liberals to do it.

**Hon Mr Runciman:** For Ontario we continue to work to ensure integration of effort at home and co-operation of activity across the border. We've advised Ottawa, for example, that living up to the 30-point agreement reached between Governor Ridge and Deputy Prime Minister Manley is an obligation that is in our best interest.

We've told Ottawa that it's time—in fact, long past time—that we get coordinated, integrated security straight at our seaports, our airports, and our border crossings. We need to create common databases with our global partners so that the Mohamed Attas and Ahmed Bassams of the world that would do us harm are never permitted to enter our countries to plot and execute their evil.

We need to work with each other to ensure that persons refused entry or deported from one of our jurisdictions for security reasons do not find refuge in the other. We need to co-operate as never before to shut down those that would raise money to fund terrorist activities here, in the United States and abroad.

In summary, our challenge and our opportunity is to work with our neighbours in common cause to protect and preserve our liberty, our security and our prosperity, and I want to assure Ontarians that the Eves government is working hard to meet that challenge.

### MINISTRY OF NATURAL RESOURCES

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Minister of Natural Resources and requires just a simple yes or no answer. It appears that the member for Oklahoma has again created another crisis in another ministry. Did your staff tell you that your ministry has no plan to manage species at risk? You shut down the walleye and whitefish industry with no numbers to support it—

**The Speaker (Hon Gary Carr):** Order. Member take his seat. The member will know that there is no member for Oklahoma. I would ask that you not get involved in that. Please withdraw it.

**Mr Parsons:** I withdraw it, Speaker. Thank you.

You paid \$2 million to a call centre that did not answer 65% of its reservation calls. Less than half of the parks have a management plan. You have no inventory of resources to be protected. Have your staff told you that



they don't even know what your ministry owns? Minister, did your senior people tell you that 70% of your superintendents say their parks cannot enforce your rules? And, lastly, have your senior staff told you that your senior people have said to the auditor that they do not have sufficient staff or budget to do their jobs?

**Hon Jerry J. Ouellette (Minister of Natural Resources):** I thank the member for the question. He touched on a lot of issues there regarding the auditor's report. I think we can start off by addressing the park plans. Clearly, 95% of the parks within the province of Ontario do have park plans. The ones that do not have park plans are very remote areas or very few individuals would attend those areas. The parks clearly do have a large number of plans. Over 95% of the parks in the province of Ontario do have plans.

**Mr Parsons:** The auditor noted that most of them are long out of date. It seems that the only animals in this province that are safe are the ones that your ministry doesn't manage.

But it gets worse. The majority of your infrastructure is between 20 and 45 years old. Eighty per cent of your park superintendents say that the funding is inadequate. They rate two thirds of their infrastructure as out of date.

Even more serious than anything I've said, the auditor states that "there is a risk that the ministry will operate provincial parks for the 2003 season with water treatment and distribution systems that do not meet provincial standards." The auditor cannot assure the people of Ontario that they will have safe water in their parks.

Minister, I am asking you, will you guarantee the people of Ontario that the parks will be safe for them this coming summer?

**Hon Mr Ouellette:** I hope the member realizes that we have over 10 million visitors annually to our provincial parks and are very proud of that figure in itself. The numbers are up over 20% from the mid-1990s to 2002 and, very clearly, our parks will have safe drinking water.

#### LONG-TERM CARE

**Mr Bart Maves (Niagara Falls):** My question today is for the Associate Minister of Health and Long-Term Care, the strong member from Scarborough Southwest, the Honourable Dan Newman. I'm proud to be part of a government that has demonstrated such a strong commitment over the years to meeting the long-term-care needs of Ontario's seniors. I am very pleased to say that in my riding of Niagara Falls, the new Meadows of Dorchester facility is set to open this week and become home to 128 residents from an older long-term-care facility in the area.

I know how much this move to a brand new home means to many of my constituents and their families. In fact, my 92-year-old grandmother-in-law, Lillian Tozer, will be moving into the new facility.

I would appreciate it if the associate minister could tell my constituents and this House about the province's investment in this tremendous new facility.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** It's always my pleasure to respond to the hard-working member from Niagara Falls.

The new and state-of-the-art \$13.7-million Meadows of Dorchester facility in Niagara Falls is one that will make an incredible difference in the lives of residents, their families and loved ones. That's because it will provide a level of care that quite simply is second to none. The facility is located on 9.2 acres of land. It's 76,000 square feet in size. Staff have described it as a dream come true for residents. The new home follows our government's new construction guidelines for new long-term-care facilities and is divided into four neighbourhoods of 30 rooms, allowing residents to develop close relationships with each other and to feel more at home. Residents will also enjoy the benefits of new meeting rooms, a chapel, a salon and courtyards.

The Meadows of Dorchester's administrator has described the facility's new residents as "ready to move and just raring to go." I wish them the very best as they make this facility their new home.

**Mr Maves:** It is truly a beautiful facility that those residents will be moving into. We in Niagara are always happy to welcome the minister to our area of the world. He usually comes with good tidings and a shovel to do groundbreakings for new facilities.

I'm very pleased to hear that our government's commitment to long-term care is making such a difference in the lives of my constituents and the lives of residents in facilities all across Ontario. In fact, it was my pleasure to join the associate minister last July for the groundbreaking ceremony for yet another brand new long-term-care facility that is being built in the Niagara region.

I would like to ask the associate minister to please update my constituents on the status of our government's long-term-care-bed implementation initiatives in the Niagara service area.

**Hon Mr Newman:** I'm pleased to say that all operators that have been awarded long-term-care beds in the Niagara region are proceeding with fulfilling their commitments to the area, commitments that total 1,480 new and redeveloped beds in the Niagara service area. The Ministry of Health and Long-Term Care's long-term-care redevelopment project is in regular contact with each awardee to obtain information on the status of the projects.

I'd like to tell the honourable member that in the city of Niagara Falls, 320 new long-term-care beds and 120 redeveloped beds are in the process of being constructed, with 160 of the new beds expected to be completed in the next month. There is no question that these new and redeveloped beds will mean even better long-term-care services to the people in the Niagara region and across Ontario now and in the years to come.

## CONSIDERATION OF BILL 213

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the government House leader, the Minister of the Environment. Bill 213 includes long-overdue changes to make the practice of public accounting accessible to all chartered accountants, certified general accountants and certified management accountants who meet the prescribed high standards. Bill 213 has also created a huge lobbying campaign by chartered accountants who want the accounting reforms to die.

New Democrats want Bill 213 to pass. We want these accounting changes passed into law as soon as possible. We believe these accounting reforms are important. Minister, will you give unanimous consent to vote on these important accounting changes, to vote on this bill today?

**Interjections:** Yes, yes.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I appreciate all the assistance from my friends behind me.

I will say that we introduce legislation in the House all the time, as you know, and we introduced that legislation with the idea of the legislation being passed. Normally, there's a process that we have to work our way through which your House leader and the House leader of the Liberal Party are very cognizant of. "Co-operation" generally isn't the watchword of those meetings.

I will say that from my point of view, if you're asking me if I would speak on behalf of my party and give unanimous consent for second and third readings, my first answer and probably last answer would be, absolutely.

1530

**Mr Hampton:** Then what I propose is that later on today we pass that unanimous consent so we can expedite the passage of this legislation. Because, as you know, these accounting reforms are long overdue. These accounting reforms are fair. Whether they be a certified management accountant, whether they be a certified general accountant or whether they be a chartered accountant, anyone who can pass the exam and meet the standards would be entitled to practise public accountancy. That's only fair and reasonable.

But you also know, Minister, that the House recesses next week, on Thursday. You also know, I think, that if these reforms are not passed into law by then, there could very easily be an election in the spring. So what I'm asking for I guess is two things: would you be prepared to ask for that unanimous consent this afternoon, and above all else, will you commit that these accounting reforms, that Bill 213 will become law before the House recesses?

**Hon Mr Stockwell:** I'm accustomed to this kind of co-operation and collegiality between the third party and the government House leader. He often comes to me with these opportunities for us to flow legislation through in a very timely and quick way. So you've caught me not at any loss. I totally expected this kind of co-operation.

I just directed the House leader's office to draft up a consent motion. We will move that consent motion. I will be happy to move that consent motion right after question period to seek second and third readings of Bill 213—my pleasure.

## GOVERNMENT ASSETS

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. We understand from conversations that the exact same people who negotiated the 407 deal are negotiating the fire sale of the other assets, the \$2 billion worth of assets.

The 407, as the minister will know, when you announced the sale of that—and Mr Eves was deeply involved—you said you had controls on tolls, that they could go up very little over the next 15 years. I have an example where when the toll road was sold in 1995 someone was paying \$1,400 a year in tolls; now for the exact same trip they're paying \$4,000. The people who bought that toll road put in an equity investment of \$700 million; 30 months later it was worth \$3 billion. They were selling their shares for four times what they paid. In the next 10 years, the poor users of the 407 will pay between \$7 billion and \$8 billion worth of tolls. It was the worst possible deal negotiated in the history of Canada.

My question is this: why in the world would the people of Ontario have any confidence in your fire sale of assets when the same person, Mr Eves, is in charge, and exactly the same people are doing this negotiation? Why should the people of Ontario have any confidence in this process, having seen what happened with the 407?

**Hon Janet Ecker (Minister of Finance):** The honourable member says, "Why should the people of Ontario have confidence?" They should have confidence because there was no highway coming into Durham. We now have a highway that was built without the direct cost to the taxpayer. We have a highway. We would like more of that highway in Durham region, quite frankly, and we would love to be able to move forward with that.

Secondly, Provincial Auditor Erik Peters stated that the sale of Highway 407 was really very well handled.

Thirdly, Highway 407 has been set up as a toll road because Highway 401 provides an alternative.

Fourthly, I have a number of other wonderful economic statistics about the sound economic principles this government has put in place: higher family take-home pay because of our tax cuts, more jobs, balanced budgets, debt repayment; very good, positive numbers that show that people in this province can have confidence in the economic management of this province.

**The Speaker (Hon Gary Carr):** The time for question period is over. It is now time for petitions.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker—



**The Speaker:** Stop the clock. Oh, I guess we haven't started it. The government House leader on a point of order.

*Interjections.*

**Hon Mr Stockwell:** I think I need attention. I just want to make sure everyone knows.

*Interjections.*

**Hon Mr Stockwell:** Five minutes? I don't have a point of order; I'm sorry, Mr Speaker.

**The Speaker:** We're willing to be flexible. It is now time for petitions.

## PETITIONS

### HEALTH CARE FUNDING

**Mr James J. Bradley (St Catharines):** This is to the Legislative Assembly of Ontario.

"Whereas long-term-care facilities in this province are understaffed, underfunded and ignored by the current government;

"Whereas many residents of St Catharines and of other communities in Ontario are unable to find a family doctor as a result of the growing doctor shortage we have experienced during the tenure of the Harris-Eves government;

"Whereas cancer patients in Ontario requiring radiation treatment face unacceptable delays and are often forced to travel to other jurisdictions to receive medical attention;

"Whereas many prescription drugs which would help patients with a variety of medical conditions such as macular degeneration, multiple sclerosis, arthritis, diabetes and heart failure are inadequately covered by OHIP;

"Whereas long waiting lists for diagnostic tests such as MRIs, CT scans and ultrasounds are jeopardizing the health of many individuals already facing serious illness;

"Whereas the Harris-Eves government has now spent over \$250 million on blatantly partisan government advertising in the form of glossy brochures and television and radio ads;

"We, the undersigned, call upon the Conservative government of Ernie Eves to immediately end their abuse of public office and terminate any further expenditure on political advertising and to invest this money into health and long-term care in the province of Ontario."

I'm in complete agreement, as I suspect you are, Mr Speaker. I affix my signature.

### MEDICAL REVIEW COMMITTEE

**Mr Peter Kormos (Niagara Centre):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the OHIP schedule of benefits is often unclear about its definitions of good medical practice for many serious medical conditions: general checkups, re-

checks, psychotherapy counselling and often major illness care by specialists. The medical review committee of the College of Physicians and Surgeons has been aggressively clawing back payments to hard-working, conscientious doctors on the basis of these flawed definitions and skewed statistical analyses.

"We, the undersigned, request the Minister of Health to suspend further reviews by the medical review committee; return the monies with its penalties, pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

It's signed by many, and I've affixed my signature as well. Thank you, Garnet.

### CT SCANNER

**Mr Ernie Hardeman (Oxford):** I have a petition here to the Legislative Assembly of Ontario.

"We, the undersigned, request" the "installation of a CT scanner at the Woodstock General Hospital. It is an essential piece of equipment for the practice of modern medicine. The arrangements to go to London for a CT scan are unsatisfactory, cumbersome and cause unnecessary delay. It is standard equipment for a hospital of this size in North America. All counties in southwestern Ontario have at least one CT scanner, except Oxford county. This situation should be rectified as soon as possible."

It's signed by a great number of my constituents in and around the city of Woodstock.

### PROGRAMME D'ALPHABÉTISATION ET D'INTÉGRATION COMMUNAUTAIRE

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** « Attendu que les 44 personnes qui assistaient au programme d'alphabetisation et d'intégration communautaire de la Cité collégiale perdent en moyenne 2,5 jours par semaine de services directs et d'appui dans leur communauté dû à la fermeture de ce programme;...

« Attendu que les 44 personnes qui assistaient à ce programme seront maintenant insérées sur la liste d'attente à coordination des services, qui comprend déjà plus d'une trentaine de personnes francophones, et que certaines d'entre elles attendent déjà depuis plus de deux ans;

« Attendu que nous considérons inacceptable de laisser les personnes ayant une déficience intellectuelle et leurs familles sans ou avec trop peu de soutiens, de programmes ou de services;

« Nous, parents, familles, amis et intervenants, demandons au gouvernement Eves de collaborer afin d'assurer un financement adéquat pour la mise en oeuvre d'un modèle de services aux personnes francophones ayant une déficience intellectuelle qui répondra aux besoins, favorisera la mouvance dans le système de déficience intellectuelle, réduira la liste d'attente et

reconnaitra le droit à l'éducation pour les personnes ayant une déficience intellectuelle. »

J'y appose avec fierté ma signature.

### NATURAL GAS RATES

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario.

"Be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive" rate "hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

This petition is signed by other 1,000 of my constituents.

1540

### GARDE D'ENFANTS

**M. Gilles Bisson (Timmins-Baie James):** J'ai une pétition ici qui dit :

« Attendu que 70 % des femmes de l'Ontario ayant des enfants de moins de 12 ans sont sur le marché du travail;

« Attendu que, elles et leurs familles ont absolument besoin de services de garde de qualité, sûrs et abordables;

« Attendu que l'étude sur la petite enfance réalisée pour le gouvernement conservateur par le D<sup>r</sup> Fraser Mustard et l'honorable Margaret McCain a conclu que les services de garde de qualité favorisent un développement harmonieux des enfants; et

« Attendu que le gouvernement a réduit le financement pour les garderies réglementées plutôt que d'appuyer les familles ontariennes en investissant dans l'apprentissage et les soins offerts aux jeunes enfants;

« Pour ces motifs nous, soussignés, demandons que le gouvernement de l'Ontario adopte le plan du NPD pour des espaces de garderie à 10 \$ par jour, et qu'il commence par réduire la totalité des frais de garde pour les enfants de deux ans à cinq ans actuellement inscrits dans des garderies réglementées; que le gouvernement alloue des capitaux permanents pour agrandir les garderies existantes et pour en construire de nouvelles; que le gouvernement finance l'équité salariale pour le personnel, et qu'il crée de nouveaux espaces de garderies à 10 \$ par jour dans cette province. »

C'est soussigné par beaucoup de monde dans mon comté.

### EDUCATION FUNDING

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario government led by the Harris-Eves Tories has severely damaged public education and

created turmoil in our schools since they took office...; and

"Whereas the current ... education funding formula is broken when it comes to rural schools; and

"Whereas our community schools in both Springfield and West Lorne are being threatened with closure; and

"Whereas rural schools are the heart and soul of their communities;

"Therefore be it resolved that we ... demand that" the "education minister ... immediately address the funding formula in relation to rural schools and place a moratorium on rural school closures."

I am in full agreement and sign my signature to this petition.

### WATER EXTRACTION

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "For the past two years, a group of citizens has opposed the taking of a large amount of water from the Tay River for consumptive industrial use.

"In February 2002, the environmental review tribunal reached a decision that was a compromise between the needs of an expanding industry and the need for caution in matters concerning water. The company, OMYA, now seeks to overturn the tribunal's ruling and has appealed the decision to both the Divisional Court and the Minister of the Environment. The Minister of the Environment has agreed to hear the appeal to him first.

"We, the undersigned, urge the Minister of the Environment to uphold the decision of the environmental review tribunal and its precautionary and ecological approach to the management of water. In doing so, the minister upholds the government's commitment to the principles and recommendations of the Walkerton Inquiry report."

I will sign my signature to this petition because I am in full agreement.

### HYDRO RATES

**Mr Steve Peters (Elgin-Middlesex-London):** "Be it resolved that we, the undersigned, demand that the Ernie Eves government convene a legislative committee to oversee electricity issues in order to inform and protect the public interest."

I'm in full agreement and have signed my signature to this petition.

### HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** This is a petition to the Legislative Assembly of Ontario. It's the ongoing petition of 28,000 signatures with regard to the four-laning of Highway 69 between Sudbury and Parry Sound.

"Whereas modern highways are economic lifelines for the north; and



"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I have of course affixed my signature and give it to Brian to bring to the table.

#### WATER EXTRACTION

**Mr James J. Bradley (St Catharines):** This petition is to the Legislative Assembly of Ontario. It's concerning the OMYA Canada Inc appeal of the decision of the Environmental Review Tribunal in a matter of a permit to take water from the Tay River, Perth, Ontario.

"For the past two years a group of citizens has opposed the taking the large amount of water from the Tay River for a consumptive industrial use. In February 2002 the Environmental Review Tribunal reached a decision that was a compromise between the needs of an expanding industry and the concerns of local citizens for the protection of water.

"The company, OMYA, now seeks to overturn the tribunal's ruling and has appealed the decision to both the Divisional Court and the Minister of the Environment. The Minister of the Environment has agreed to hear the appeal to him first.

"We, the undersigned, urge the Minister of the Environment to uphold the decision of the Environmental Review Tribunal and its precautionary and ecological approach to the management of water. In doing so, the minister upholds the government's commitment to the principles and recommendations of the Walkerton Inquiry report."

I affix my signature; I am in complete agreement with this petition.

#### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** I do have some petitions on adoption disclosure.

"To the Legislative Assembly of Ontario:

"Whereas Bill 77 passed second reading on June 28, 2001; and

"Whereas Bill 77, the Adoption Disclosure Statute Law Amendment Act, received committee hearings in November 2001; and

"Whereas Bill 77 addresses privacy concerns for those who wish to avoid or delay contact; and

"Whereas adoptees are dying from genetic diseases in the absence of their family medical history; and

"Whereas birth mothers were never promised confidentiality;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately call Bill 77, the Adoption Disclosure Statute Law Amendment Act, for third reading and final vote."

Can you hear me, Mr Speaker? I will affix my signature to this petition because I fully support it.

**The Acting Speaker (Mr David Christopherson):** Too many meetings going on here, members. If you would, please? Thank you.

#### EDUCATION FUNDING

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on the student-focused funding legislative grants....;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

"Whereas application of the student-focused funding model does not allow sufficient funding to the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding legislative grants for the 2002-03 school year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding GLGs to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I affix my signature to this petition because I am in full agreement.

#### LONG-TERM CARE

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Harris-Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities, by 15% over three years; and

"Whereas the fee increase will cost seniors and our most vulnerable more than \$200 a month after three years;

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario;

"Whereas, according to the government's own funded study, Ontario will rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care....;

"Therefore we, the undersigned, demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and the provincial government provide adequate funding for nursing and personal care to a level that is at least the average standard for nursing and personal care in those 10 jurisdictions."

I am in full agreement and sign my signature to this petition.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on the government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years; and

"Whereas this province has been built by seniors, who should be able to live out their lives with dignity, respect and in comfort;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

I will affix my signature to this petition because I am full agreement.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I would seek unanimous consent to immediately put the questions on second and third reading on Bill 213.

**The Acting Speaker (Mr David Christopherson):** Is there unanimous consent? All in favour? Any opposed? Hearing none, the unanimous consent is granted.

## JUSTICE STATUTE LAW AMENDMENT ACT, 2002

### LOI DE 2002 MODIFIANT DES LOIS DANS LE DOMAINE DE LA JUSTICE

Mr Stockwell, on behalf of Mr Young, moved second reading of the following bill:

Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / *Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.*

**The Acting Speaker (Mr David Christopherson):** Is it the pleasure of the House that the motion carry?

All those in favour, please indicate by saying "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1553 to 1623.*

**The Acting Speaker:** All those in favour of the motion will please rise one at a time and be recognized by the Clerk

#### Ayes

Arnott, Ted	Elliott, Brenda	O'Toole, John
Barrett, Toby	Galt, Doug	Ouellette, Jerry J.
Beaubien, Marcel	Gilchrist, Steve	Peters, Steve
Bisson, Gilles	Gill, Raminder	Phillips, Gerry
Bountrogianni, Marie	Hampton, Howard	Prue, Michael
Bradley, James J.	Hodgson, Chris	Runciman, Robert W.
Caplan, David	Hudak, Tim	Ruprecht, Tony
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Churley, Marilyn	Johnson, Bert	Spina, Joseph
Clark, Brad	Klees, Frank	Stewart, R. Gary
Colle, Mike	Kormos, Peter	Stockwell, Chris
Cordiano, Joseph	Marchese, Rosario	Tsubouchi, David H.
Cunningham, Dianne	Maves, Bart	Turnbull, David
Curling, Alvin	McDonald, AL	Wilson, Jim
DeFaria, Carl	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Molinari, Tina R.	Wood, Bob
Duncan, Dwight	Munro, Julia	Young, David
Ecker, Janet	Mushinski, Marilyn	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 53; the nays are 0.

**The Acting Speaker:** I declare the motion carried.

By agreement of the House, this bill is ordered for third reading.



JUSTICE STATUTE LAW  
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS  
DANS LE DOMAINE DE LA JUSTICE

Mr Stockwell, on behalf of Mr Young, moved third reading of the following bill:

Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / *Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.*

**The Acting Speaker (Mr David Christopherson):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please indicate by saying "aye."

All those opposed, please indicate by saying "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1626 to 1656.*

**The Deputy Speaker (Mr Bert Johnson):** All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted  
Barrett, Toby  
Beaubien, Marcel  
Bisson, Gilles  
Bountrogianni, Marie  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Chudleigh, Ted  
Churley, Marilyn  
Clark, Brad  
Colle, Mike  
Cordiano, Joseph  
Cunningham, Dianne  
Curling, Alvin  
DeFaria, Carl  
Dombrowsky, Leona  
Duncan, Dwight  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Hampton, Howard  
Hastings, John  
Hodgson, Chris  
Hudak, Tim  
Klees, Frank  
Kormos, Peter  
Marchese, Rosario  
Maves, Bart  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia

Mushinski, Marilyn  
O'Toole, John  
Ouellette, Jerry J.  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Runciman, Robert W.  
Ruprecht, Tony  
Sampson, Rob  
Spina, Joseph  
Stewart, R. Gary  
Stockwell, Chris  
Tsubouchi, David H.  
Turnbull, David  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**ORDERS OF THE DAY**

ACCOUNTABILITY FOR EXPENSES ACT  
(CABINET MINISTERS AND  
OPPOSITION LEADERS), 2002

LOI DE 2002 SUR L'OBLIGATION  
DE RENDRE COMPTE DES DÉPENSES  
(MINISTRES ET CHEFS D'UN PARTI  
DE L'OPPOSITION)

Resuming the debate adjourned on December 3, 2002, on the motion for second reading of Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / *Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.*

**The Deputy Speaker (Mr Bert Johnson):** Further debate?

**Mr AL McDonald (Nipissing):** Thank you very much, Speaker. There were a lot of members on this side of the House who wanted to speak to this bill, and I just want to let you know that I'll be sharing my time with the hard-working members from Kitchener Centre, Bramalea-Gore-Malton-Springdale, Niagara Falls and Durham.

I would like to thank the member from York North for setting the framework for us so well on Tuesday while opening the debate on this very important piece of legislation, Bill 216, the Accountability for Expenses Act (Cabinet Ministers and Opposition Leaders), 2002. This is an important new measure by this government to bring even greater transparency and accountability to government and the tax dollars it spends.

I know there isn't one member here who would disagree with this principle, at least not on the record. I say that because I know there are members of the opposition, particularly their leader, Dalton McGuinty, who have said a bunch of nice things about transparency, but, when the rubber meets the road, have run away from the prospect of submitting details of their own expenses, have run away from it like children being chased from a hive full of bees.

We're really talking about details here—none of the summaries that Dalton McGuinty talks about, but the real receipts that show how much he spent, when and where. Why has he done that? I'd really like to know. Of course I say that rhetorically because I know that I can't ask questions of the opposition in this House. We all know it is a right reserved for the opposition parties to call on the government to account for its policies and its actions.

Let me emphasize the word "account," because one of the most important principles of this House is being accountable: being accountable for policies, money spent and the ideas that we bring into this chamber every single

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 53; the nays are 0.

**The Deputy Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

day. Again, I think we'll agree that all of us here, regardless of political stripe, must be accountable to our constituents and all the people of this great province. For any government in this province, accountability measures are numerous on the government, and that's the way it should be. After all, we all know that while elections are the greatest forms of accountability, there's far too much time between elections for real accountability.

In our system there are a number of measures to ensure that the government, entrusted with the reins of power, uses it, as we say in the House, wisely and well. There are dozens of means by which the government is held to account in our system. Every day I sit here in the Legislature and listen as the cabinet stands in front of the opposition and takes a grilling. Every day any member of the opposition can stand up and ask the head of government about any question in the world.

I see a lot of heads shaking—

**Mr Gilles Bisson (Timmins-James Bay):** So what?

**Mr McDonald:** —and saying, "So what?" Right? The member for Timmins-James Bay is saying, "So what?"

**Mr Bisson:** It's called question period.

**Mr McDonald:** It's called question period. But do you know what? I think they take it for granted, exactly how important this is. Think about it. Can you imagine the President of the United States providing this much access?

There are so many other ways that government is held to account. For an example, we saw one just today with the Provincial Auditor's report, an independent officer of this Legislature who is free to comment on pretty well any issue under the sun.

What are the other ways, you might ask? Well, there are of course the other officers of the Legislature: the Information and Privacy Commissioner, the Environmental Commissioner and of course the Integrity Commissioner. But I'll come back to him and his office in a minute.

What really is the point of all of this accountability? My point is that there are a great deal of ways in which the government is held to account in this Legislature, without even getting into the discussion about the media and the important role they play. Speaker, I hope you don't misinterpret what I'm trying to say here. The accountability should come with the office. Government should be held to account and to a standard that is very high. We don't disagree. Taxpayers deserve to have this amount of oversight—checks and balances, as we often say. After all, we all know that it is the taxpayers' money that we spend, not our own. We also know that taxpayers really don't know who spends their money; they only know that someone else aside from them is spending it. That's why so few people can tell the difference between the government per se and the assembly. In many ways, they are all part of a giant tax-spending machine.

That's also true for the members of the opposition. Taxpayers pay for everything they do as well, and they pay for all your work. Constituency work, opposition work, committee work are all done on the taxpayers'

dime. Of course, we all know this; it's nothing new. But there needs to be some accountability at all levels, and, to be quite frank, some of that accountability just doesn't cut it. There is too much money being spent by members across the floor for duties other than constituency work and for which there is no added accountability.

For example, if we say, and I'm just going to pick one at random, the member for Windsor West were to go out for dinner with a public interest group to talk about their thoughts in regard to a government policy, that would probably be a legitimate expense, business expense, although—

**Mr Bisson:** On a point of order, Mr Speaker: Referring to the standing orders, it's very clear that no member of the assembly can charge such an expense and have it reclaimed. It's out of our pocket. We cannot reclaim. None of the members, government or back-bench—

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** He's misleading the House.

**The Deputy Speaker:** That is not a point of order, and we don't use that kind of language. I would like to give you the opportunity of withdrawing.

**Mrs Dombrowsky:** I withdraw it.

**The Deputy Speaker:** Thank you. The Chair recognizes the member for Nipissing.

**Mr McDonald:** Mr Speaker, I'll withdraw it if it offends the member opposite.

*Interjection.*

**Mr McDonald:** I've withdrawn it. Although it would be clearly not a legitimate expense, there is nothing there that involves advocating on behalf of their constituents. But I'll withdraw that.

I just want to talk about the leaders of the opposition. As a member of the opposition, they could claim that from that \$3.5 million that they are entitled to and that Dalton McGuinty talks about so affectionately—

*Interjection.*

**Mr McDonald:** Well, you know, that's a lot of money. That's taxpayers' money that they have to account for, and right now they don't have to account for it. There's no legislation. The taxpayers aren't allowed to look at how they spend their money. There is no legislation that says they have to submit their bills. That's wrong, and I think this is what this bill is truly about. The taxpayers of Ontario want to be able to know how their money is being spent, and right now the leader of the official opposition does not have to show the public one single expense.

This is a really valid point. We don't know how he spends his money. No one knows. No one has any idea how the opposition spends that money. I don't know that he really spends money he shouldn't be spending—I don't know that—but he could. I'm sure he doesn't spend it on frivolous things, but he could. I'm sure he doesn't spend it on booze at night, but he could. He could spend it on just about anything, because he's not accountable to the taxpayers. But he could be, and he should be. That is why this bill should carry, so that Dalton McGuinty and



his dozens of staff account for some of the money they get from the taxpayers of Ontario.

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*Interjections.*

**Mr McDonald:** I know the members opposite are going to try to blow this out of proportion; I'm hearing it right now. That's the standard operating procedure of your party: bluster and confuse and maybe, if you're lucky, pull the wool over someone's eyes.

Let's be clear: there is nothing in this bill that would give any person any more depth of access to information about the government. The simple fact is that the government will remain held to a tougher, more rigorous standard. That's the way it should be. This government should be held accountable at very high standards, and we don't disagree with that.

The Freedom of Information and Protection of Privacy Act would continue to apply to all government members—all the members on this side—for more information than is being proposed for the members opposite. In other words, we're being held accountable. We have to put our claims forward. They can access them through the freedom of information act. We don't disagree. We're happy to be able to do that. We'd hope that the members opposite would agree that their leaders should be accountable as well, and we're hoping they support this legislation.

**Mrs Dombrowsky:** Absolutely.

**Mr McDonald:** That's good to hear. I'm glad to hear it.

Bill 216 extends the Freedom of Information and Protection of Privacy Act to the opposition leaders and their staff. Their staff spend taxpayers' money. It would be limited to the four types of expenses of opposition leaders and staff; ie, travel, meals, hospitality and hotels.

In comparison, what would be the grand total of members of the official opposition who would be covered by this bill? One. Just one. Their deputy leader would not be covered, even though our Deputy Premier is; their House leader would not be covered, even though ours is; the same goes for their whip and every single member of their shadow cabinet—not one more ounce of accountability. All this side shares accountability, and we welcome that. This bill only speaks to one member on that side being accountable. It would just be your leader and his office staff, however many that might be. I've heard 42 used before, but I'm not really sure.

Ultimately, my point is that there desperately needs to be some accountability for the members across the way, or at least their leaders. I personally think it wouldn't be a bad idea to make all their members open to FOI—freedom of information—requests, but I think it might be a bit more measured approach that only their leaders be open. I understand the decision that only their leaders be open. But let's just say that the Liberals were to put forward an amendment to the Freedom of Information and Protection of Privacy Act to apply to all their benches. That I would support. I don't know if I am going to hear that when they stand up, but I would

support that amendment if they put it into the legislation. Somehow I think that would be as likely as me getting my Christmas shopping done early. I don't know about the member from Timmins-James Bay, but I probably wait till the last minute to do a lot of my Christmas shopping, because we're pretty busy down here.

Now that I've had my say about accountability, there really are some points I'd like to make about the rest of this bill. I've heard from the Chair of Management Board about the review that was being done on this policy. I was not surprised to find that this was not an issue new to this House nor unique to this government. In fact, during the David Peterson Liberal government, the Provincial Auditor, in his 1989 annual expenses, said, "In our opinion, further classification is required as to what types of expenses are permitted for ministers." In that same 1989 annual report, the auditor noted \$6,300 spent on a staff Christmas party, \$1,100 for an annual membership fee to a social club and \$425 for dry cleaning.

In addition to all this vagueness, I find it troubling that there was no independent referee who could counsel ministers on the interpretation of the rules. Now, all members will always be ultimately accountable to their constituents and to this House for their own decisions. That is the fundamental aspect of our system, and that should not change. However, we all know that reasonable people will disagree on some matters and it is important that there be an independent referee who can provide this type of advice. Clearly there is a real need for an independent person who can provide advice about the rules for expenses and compliance. For decades, governments have crafted their own rules. It's time to end all of this and give the people of Ontario some real certainty and accountability about the rules surrounding these expenditures.

This bill will do just that. It will provide clear rules to ministers and their staff and provide for an annual public mechanism where the Legislature and the people of Ontario can be reassured that the government is indeed spending their money in a reasonable manner. We are currently working with the Integrity Commissioner, an independent officer of the Legislature, to provide ministers with greater clarity about their expenses and to give the people of Ontario greater certainty that their hard-earned tax dollars are spent prudently.

Under the bill, the Integrity Commissioner would not only have the ability to provide advice but also set the form of expense claim information and recommend corrective action if he or she felt there was a case of non-compliance with the rules. Of course, the Freedom of Information and Protection of Privacy Act would still apply, providing people with a dual track of accountability. One will provide for a regular reporting mechanism to this House and one will continue to give any person the ability to request and review the information on a first-hand basis.

Of course, the members of the official opposition might tell this House that the legislation is not necessary since they have always been willing to submit their

expenses to the Legislature. It has been more than a month since the leader of the official opposition, Mr McGuinty, offered this up and we've yet to see one shred of information from his office about it. This is not surprising, since the leader of the official opposition so clearly told the media, "I've got no problem releasing my expenses," but when asked if he would expect his staff to do the same, he said, "Why would I do that? I'm talking about my own personal expenses." He would want to do that because that money was spent by his staff. Why aren't they accountable?

Mr McGuinty, why isn't your staff, who are spending taxpayers' money, accountable to the people of Ontario? I just ask that question.

These comments only underscore the importance of this legislation. It is a reasonable way that taxpayers will be able to see for themselves how reasonable and responsible the leaders of the official opposition are and if they are practising what they preach, or if, in typical style, it is the usual "Do as I say, not as I do."

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**Mrs Dombrowsky:** They will be so impressed.

**Mr McDonald:** I take this piece of legislation very seriously. I hear the member heckling. But I hope you support this and make your leader accountable to the taxpayers of Ontario—and his staff. I'd like to hear you say, "His staff will be accountable as well and will submit all their expenses." Will you agree to that?

We expect the Liberals will support this bill. After all, the deputy leader of the official opposition, the member for Windsor West, said, "You can't have a double standard here. It's about leadership." She also said quite clearly, "I'm prepared to tell you how I spent, what I used," of the \$3.5 million her caucus is allocated by way of expenses.

This is an important piece of legislation. However, I don't believe it is as important as the hydro legislation in this House, nor do I think it's as important as the clean water legislation or the bereavement legislation before the House. That's not to say that these are my personal priorities, but these are priorities of the people of Ontario. The people of Ontario want clean drinking water and they want reasonable hydro prices. Those are very important issues that we face here in the Legislature as we move forward.

This bill is about accountability, and we think it's only reasonable that the leaders of the official opposition and the third party release their expenses to the public so the public can see how they're spending the taxpayers' money. The leader of the official opposition has \$3.5 million to spend any way he pleases because there's no accountability, nor did he have to explain how he spent all their money, and even joked that he could spend all the money on expensive luggage. I don't believe he spent the money on expensive luggage—

**Mr Wayne Wettlaufer (Kitchener Centre):** But you don't know that.

**Mr McDonald:** —but I don't know that, and he has joked about it. So I think it's important that the taxpayers

of Ontario see clearly where, I believe, every dollar is spent in this Legislature. I don't have a problem. I'm happy to make my expenses public. It's one of the things we have to do for the taxpayers of Ontario. I believe we're accountable to them and we should be open and transparent.

*Interjections.*

**Mr McDonald:** I hear the heckling across. I've always stood for transparency and an open process. I have since I was elected, even on my municipal council in northern Ontario. I was very clear. I believe that decisions should be made public, should be made in the open, and we should be able to explain. The public should be able to understand why we make the decisions we do.

The people who sent us here are probably hoping that we come to some speedy conclusion on this bill and get on with the rest of our business. I believe the people of Ontario want us to get on with the running of this province, to provide them with jobs, provide them with clean drinking water, provide opportunities for our youth, and to invest in our colleges, universities, schools and hospitals. That's what is important to the people of Ontario. But we're also talking about accountability here. Accountability is important because all of that is important. So we're hoping there is speedy passage of this bill. That's really important work that we should be doing here. With the co-operation of the opposition leaders and parties, we'll be able to get on with the real business of the province.

It was a pleasure to stand here and speak to Bill 216 because it is important. But in the grand scheme of things, I'm hoping we all agree that accountability to the taxpayers of Ontario is important and that we all agree that our expenses should be open and transparent; there's no question. I don't believe that one taxpayer in Ontario would say, "Do you know what? I don't think you should have to turn your bills in or show us the bills." I don't believe there's one person in the province who pays their taxes who is going to say, "It doesn't really matter how they spend their money." On the government side, we are responsible. We have been held accountable. We have higher standards that we have to live up to compared to the official opposition and the official opposition leader. Right now, he does not have to show us how he spent his money.

As I said when I stood up, there were a lot of members on this side of the House who thought it was very important that I share my time in speaking to this bill. If I could, Mr Speaker, I will turn it over to one of my colleagues to continue to speak to this bill. I believe the member for Bramalea-Gore-Malton-Springdale really wanted to stand up and speak first. I know there are a couple right behind him, but Raminder's the closest one to me so I thought it might be appropriate that he speak. I know he's a hard-working member here in Toronto at Queen's Park. His constituents are very lucky to have him. I'd like to turn over some of my time to that member.



**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** It is a pleasure to join this debate on Bill 126, Accountability for Expenses Act. I'm sure the people at home want to know what we're discussing today. This is the cabinet ministers' and opposition leaders' Accountability for Expenses Act, 2002.

I want to thank the very important and hard-working member for Nipissing who has given me the opportunity this afternoon to put my views forward on this very important bill. I know the member is working very hard for his constituents. He's also looking forward to perhaps more comments and questions on this later on when he gets a chance on another day. I'll be fairly concise because I know there are many other members who want to speak on this important bill. I thank you, Mr Speaker, for allowing me the opportunity to discuss this bill.

Seven years ago, our party promised the people of Ontario that we would inject discipline and accountability into the public sector. It was a promise our opponents and many so-called experts said would be impossible to keep. I've said it several times before: promises made, promises kept. In fact, that's what really interested me when I ran for this party in 1999, that we came up with a certain platform. We sent it to the people so that they could examine it and ask us questions before the election. I'm glad people agreed with what we were saying and gave us this opposition to represent them. I want to thank the members of my constituency, which as you know is Bramalea-Gore-Malton-Springdale. I know that similarly the people of Nipissing are very happy to send Mr AL McDonald here to represent them. He's doing so very eloquently, with a lot of hard work and accountability.

We took a different approach to government. Our commitment to accountable, transparent government started with us. As you may remember, we reduced the number of politicians on the public payroll. We cut our pay and eliminated pensions and perks. As most people do, I have been doing a lot of door-knocking, which means talking to the people and trying to get the pulse of what their concerns are. One thing I must point out is that the perception out there still is that we have these golden pensions like fat cats. I want to put it on the record that those pensions were eliminated before I even came to this office. I guess they are really making that understanding from the federal members, because people must know that they have some of the best pensions pretty well in the world.

Today I'm happy to say that our government is moving ahead with even further measures to bring accountability and transparency to the way politicians spend taxpayers' hard-earned dollars.

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Many times politicians come to office and in the euphoria, I suppose, of the office, they forget that there's only one taxpayer and it is their money that we, with a very responsible manner, have to spend wisely. If we expect the taxpayers to tighten their belts, then it behooves us that we lead by example. That is why

Premier Harris ran on the platform of a lesser number of politicians, and in fact you know that we reduced the number of politicians in the Ontario Legislature from 123 to 103.

I have from time to time had the pleasure of discussing this with delegations from throughout the world and they just can't believe it. They can't believe that a government would reduce the number of people. We felt there was too much government, there was too much red tape, so it was fair that we reduced the number of people. In fact, similar things happened by our, perhaps, advice so that even the number of Toronto councillors was reduced.

For far too long politicians of all political stripes were plagued with problems, with unclear, misguided and inconsistently applied rules relating to how they spent taxpayers' money. Like I said earlier, there's only one taxpayer and, as you know, some of that money that the Ontario taxpayers pay goes to Ontario and some of that money goes to Ottawa. In a nutshell, in the overall scheme of things, we actually get back less money from Ottawa. Many of the provinces, and I'm not trying to say it's right or wrong, get more money than they send in. We get back less money.

At the same time, there was a typical boondoggle that was exposed yesterday, something to do with the gun registry, where the federal government estimated that they were going to spend \$2 million. That expense has increased to \$1 billion, and I don't believe they yet have a handle on how much more money—taxpayers' money—they're going to be wasting.

Politicians who had control and purview over millions of dollars of public money found it a genuine challenge to navigate the various schemes which were presented before them. You had what, de facto, became 26 different sets of rules for 26 different cabinet ministers. What was worse, opposition and third party leaders, who are largely seen as carrying similar responsibilities over staff and public dollars as cabinet ministers, got away scot-free without any accountability.

As MPP for Bramalea-Gore-Malton-Springdale, I know that the hard-working men and women and small businesses of my riding don't care if one taxpayers' dollar is spent by someone in government or by someone sitting across the way in opposition; it's all taxpayers' money and it must all be accounted for.

If passed by this Legislature, Bill 216 will bring accountability, clarity, fairness, and unprecedented openness to the way cabinet ministers, parliamentary assistants—including myself naturally; I'm parliamentary assistant to the Premier now—opposition and third party leaders, and all their respective staff spend taxpayers' dollars.

For the first time there will be one set of clear rules that all will be required to abide by. For the first time ever a neutral third party is going to review expenses and say what is and what is not allowed. The primary good news in all this is that the system is being fixed to protect taxpayers, with regular disclosure plus an independent review of what is and what is not allowed. If passed, we

will be the first government in Ontario's history to legislate safeguards governing the way ministers spend your hard-earned dollars—yours and mine; we're all taxpayers—and of course public taxpayer dollars.

This bill will establish a rigorous framework that spells out clear expectations, demands compliance and gives the Integrity Commissioner, an independent third party, power to oversee ministers' expenditures. We have brought greater accountability and transparency to the way your hard-earned tax dollars are spent by broadening public access to expense information of the other party leaders. We are raising the bar of accountability and transparency for all politicians in a leadership role, regardless of party or political affiliation. We're leading from the top by building accountability and transparency into the way politicians do business, thereby protecting taxpayers' hard-earned dollars. We will be the first government in Ontario's history, and in all Canada for that matter, to legislate oversight of this kind to govern the way ministers spend your hard-earned tax dollars. In fact, during a thorough review, the government found no other jurisdictions in the Commonwealth with legislative oversight for such expenses.

We will bring accountability and transparency to the way your money is spent by improving public access. We are honoured that the Integrity Commissioner, an independent third party with the complete confidence of the Legislature, has agreed to be a major player in this new regime. The Integrity Commissioner will have involvement in every step of this process. He will be helping to shape and craft these new rules for ministers, parliamentary assistants, opposition leaders and their staff. He will have complete, unobstructed access to expenses incurred by these individuals for meals, travel and hospitality in the course of carrying out their day-to-day public service.

But we all know that our hard-working taxpayers deserve more than just access; they deserve disclosure. This bill would also require all individuals covered by this legislation to table all expenses incurred with the Integrity Commissioner by the end of April each year. The Integrity Commissioner would then include a summary of this information in an annual report released in June in conjunction with the MPP expense release, that is, the global budget release. Of course, like ministers of the crown and their staff, leaders of the opposition parties and their staff should be held to the same high standards of public accountability because they are in a position of leadership—I wonder about that sometimes.

Other members of the Legislature are governed by budget limits established by the Board of Internal Economy and so do not need to be covered by the proposed legislation. Not only will the Integrity Commissioner participate in the development of the new rules we must all abide by, but he will also be given the real muscle he needs to recommend that corrective action be taken when the rules are strayed from. The corrective action he may recommend can vary, depending on the severity of the specific situation, from a request to make

repayment of any inappropriate expenses incurred, to whatever remedial action he deems necessary, including—and this is important for people to know—declaring the seat the member holds vacant.

One of the more severe reprimands for non-compliance contained in this legislation is that it allows the Integrity Commissioner to publicly name any person covered under the legislation who does not follow the rules.

*Interjection.*

**Mr Gill:** Yes, it is hard, but it's fair.

**Mr McDonald:** The way it should be.

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**Mr Gill:** The way it should be, as the member from Nipissing so eloquently said. I agree with him.

This provides a strong incentive for compliance, for there is no greater scrutiny than that of public scrutiny.

The opposition has made a great deal of noise about expenses incurred by ministers dating all the way back to 1995. Our government wants to move forward and look to the future, but in order to do so, we need to clear the air and bring closure to events of the past. So in addition to the annual filing by ministers and the annual review and reporting by the Integrity Commissioner on expenses, we are taking clear, unprecedented steps to correct any wrongs of the past and clear the air once and for all.

As a first step, the legislation proposes that the Integrity Commissioner report on all expenses incurred for the period 1995 to 2002 by January 21, 2003, and that he include in his report his recommendations and actions. As I've said before, there have been umpteen sets of rules for umpteen cabinet ministers. With such confusion and chaos, there have inevitably been some problems.

This legislation aims to honestly, critically and thoroughly review all expenses incurred to date and put the review in the hands of an independent, non-partisan third party: the Integrity Commissioner. This step is unprecedented. While opposition members point to specific individuals and specific situations, our government feels that nothing less than a full review can adequately address this issue, right the wrongs of yesterday and help us move this House to a more productive and useful purpose.

For far too long, the members across the floor have devoted their efforts to self-defeating, navel-gazing efforts that did nothing to improve the quality of education and health care in this province, to accusations and mud-slinging that did absolutely nothing to help protect our environment and keep our streets safe. All these accusations have done is to distract our attention from the issues of real importance to the people of Bramalea-Gore-Malton-Springdale and to the people of Ontario, and focus on theatrics and bad spin.

My friends, today the other shoe has dropped. If this legislation receives royal assent, Dalton McGuinty and Howard Hampton and their collective staff will be held to the same standards of accountability and transparency that government members with similar responsibilities



will be called to hold to. Today we are levelling the playing field by treating both government and opposition leaders the same. We are raising the bar for all politicians in a leadership position, regardless of their party or political affiliation.

Traditionally, we have viewed opposition leaders in the same way as cabinet ministers in terms of their capacity and breadth and scope of responsibility over office dollars and staff. Shouldn't they be called upon to meet the same standards? Shouldn't they heed the same rules? Shouldn't they meet the same reporting requirements? Shouldn't members of the public have the same access?

This legislation is fair and equitable, and I urge all members of the Legislature to give it speedy passage.

**Mr Wettlaufer:** It is my pleasure to speak this evening on this important bill, the Accountability for Expenses Act, 2002. After listening to the members speak, and of course after listening to the exchange in the House during question period a couple of weeks ago, I am convinced that this bill is fair, transparent and, more importantly, necessary.

I see across from me today the member for York South-Weston, who ran for the leadership of his party. Joe Cordiano, I know, is a very respectable person. I saw him sitting there with his head in his hands earlier. I know that he knows that if he was leader of his opposition party, this bill would not have been necessary, because that party, that leader and his office and his staff, would have made available their expenses very quickly upon request.

Instead, what did we have? On October 4, 2002, in a scrum, Mr McGuinty was asked by the media, and I quote: "Mr McGuinty, the FOI's going back: I believe Mr Jackson included his staff, Mr Stockwell included his staff. Are you willing to include your staff in FOIable requests?" Dalton McGuinty said, "I'm prepared to make my own expenses public." The question: "Why not your staff?" And McGuinty said, "Because it's not up to my staff to, uh—" Question: "We're talking tax dollars." Dalton McGuinty said, "Yeah, but again, you know, what we've got is a set of rules here that says that the Liberal caucus is entitled to about three and a half million dollars and it's up to us to decide how we are going to spend those three and a half million dollars."

In the same scrum, he admitted there is no control over how a caucus spends its money. He said, "Under the rules that we play by today, we get three and a half million dollars, it says here, folks; there's your three and a half million dollars. Put it all into supper if you want, all into salary if you want, put it all into polls, put it all into expensive luggage."

I see the member for York South-Weston over there, and I know that he knows that would not have happened if he was the leader of that party. There's no accountability in that party. There's no desire to be accountable in that party. The other night the member from Kingston spoke up and said, "My leader's expenses you should know about, and we should know about your leader's

expenses too." I agree with that. We have requested a number of times, numerous times, to have detailed expenses from the Liberal leader's office. The people of Ontario and this government are still waiting to see those expenses. He's willing to provide a summary, but he is not willing to provide details.

I think the member for York North may have said it best Tuesday night when she said, and I'd like to quote from Hansard:

"Acting in good faith, ministers, parliamentary assistants and their respective staffs have claimed expenses which in turn have been called into question by their critics. Whether they were claims from dinners, trips or hosting delegations, all parties at some point have been on the receiving end of this criticism.

"Now is the time to take action to end the uncertainty and speculation, and to give taxpayers real assurance that the people who spend their hard-earned money are truly accountable for it and have clear, consistent rules by which they must abide."

I think this says perfectly how this bill, if passed by this House, would introduce an element of fairness and independence into the whole system that has long been missing.

I'm not going to say that there are not certain things that I think should be allowable. There are certain things that I do believe should be allowable. Right now, under the present system, we are not allowed to spend any amount on liquor, not one cent on liquor in entertainment—

*Interjection.*

**Mr Wettlaufer:** Alcohol. That's right. It includes beer and wine. Thank you, I say to the member for York North. We are not allowed to spend one iota and claim it on our expense accounts. If we have consultants, experts in their field, come here to advise us on a particular item for a particular afternoon or evening, we don't pay them per diem—

*Interjection.*

1750

**Mr Wettlaufer:** Hang on. We don't pay them per diem, meals and mileage. That's right. Now, I'm not saying we don't provide that under contracts; that might be possible under contracts. But in numerous cases we have experts in their field come in and advise us, and we will take them out for supper. If you have an expert who in the business world is quite often used to having a glass of wine or a beer with his or her meal, are we going to say the government of Ontario, or the opposition parties, are not going to provide that to that individual, that expert? Are we going to be so cheap so as not to allow that individual to have a glass of wine? No, we're not. Are we going to say the host, the elected member, is going to pick it up out of his or her own pocket? That's nonsense. I think the vast majority of the public realizes that's nonsense.

Now is the time to take action. I know that members of this House when doing business in the interests of their constituents, whether it's in opposition or as a

minister or as a parliamentary assistant, incur expenses that should not be on their own ticket. Travelling on government or legislative business, hosting a foreign delegation or, as I said earlier, a delegation that is coming in to give advice, whether to the opposition parties or to the government, are examples of what I think taxpayers see as legitimate expenses. Certainly most taxpayers do. Do you agree, I say to the member for Niagara Centre.

**Mr Peter Kormos (Niagara Centre):** A little glass of Niagara wine.

**Mr Wettlaufer:** You want them to buy Niagara wine. OK.

I know that to a certain degree the members opposite agree with me; I can see by the nodding over there. I think the member for Kingston and the Islands and the member for Timmins-James Bay both acknowledged this on Tuesday night when they said certain expenses are quite legitimate. I think most of us agree with that.

The real matter here is what is reasonable. That is probably subjective. We would look at it and say, "Oh yeah, that's valid." But that is subjective from our own point of view. The members opposite have an overriding goal in all of this, and that is to embarrass the government, and that's fair. That's politics. We all know that to some degree the role of the opposition is to act as a viable alternative to the government of the day.

I would prefer, as the member for Kingston and the Islands said earlier this week, that we be able to spend time today speaking to certain other issues, whether it be health care or education, because they're more substantive. Nevertheless, we're here talking about this particular issue.

This leads to arguments about accountability and how there is a need for the opposition to be held accountable for the money with which they've been entrusted by the people of Ontario. Right now their responsibility is not matched by accountability. I think we on this side of the House certainly feel that should change. I was encouraged the other night to hear a couple of the members say there should be consistent, tough standards for opposition and government members. I think that point has been effectively argued by all my colleagues here, not just on my side of the House but on your side. So I would like to spend more of my time addressing the issue of fairness and how we can address it, how it relates to the various rules we have in the House.

We have the Integrity Commissioner, in whom we all have a lot of confidence. We think he is above reproach. He is appointed by the Legislature.

*Interjection.*

**Mr Wettlaufer:** That's right. That's how it should be federally; I agree with the member for Niagara Centre. But in Ontario he is appointed by the Legislature, and he reports to the Legislature. He does not report to the government, nor does he report to either of the opposition parties. He is accountable to all of us in here and, in turn, to the people of Ontario. We have a great deal of confidence in him. We have a great deal of confidence in

his independence and in his professionalism. I don't think I have ever heard a word of reproach toward him.

What we are saying in this bill is that we think members' expenses should be reviewed by him; not the individual members, but the parliamentary assistants, the cabinet ministers and the opposition leaders. This is where most of the money is spent and this is where there is that possibility of abuse. There should not be any abuse. The people in my riding of Kitchener Centre don't want there to be any abuse. It's their money that we all are entrusted with in here. When they hear of abuse, they call me and rail against it, and they have every right to do so, because I rail against it. We all pay taxes here too. Is there one of us in this House who thinks it's fair that our taxes should be abused?

**Mr Kormos:** What about the government's consultants? They haven't been paying taxes.

**Mr Wettlaufer:** Maybe some of them do. You never know.

This is not a new phenomenon; it's been going on for 20 years. On Tuesday night, the member for Kingston and the Islands said that we shouldn't stop right now, that we should be going back further. In the interests of fairness, and considering that rules change dramatically over the years, it's difficult to put today's values, today's norms, on to a leader seven years, eight years, 10 years, 20 years away. So we drew the line and we said that former Premiers would not be subject. The member for Kingston and the Islands made a big deal of the fact that former Premier Mike Harris was not subject to this bill. Well, I say to you that neither is former Premier Bob Rae, nor is former Premier David Peterson, nor the cabinet ministers in their cabinets. I know, you know and all the members on that opposite side know that there was considerable abuse, using today's standards and today's norms, in those cabinets, because this has been going on for 20 years.

What we are saying is that it's not practical for us to say, "I'm taking somebody out for supper tonight. I'm not too sure whether or not this is FOIable. I'm too sure if this is eligible for expenses. Maybe I should call the Integrity Commissioner." No, no, you're not supposed to call the Integrity Commissioner at 10 after 6 at night, when you've got somebody out for dinner at 20 after 6. There are going to be clear and hard—

*Interjection.*

**Mr Wettlaufer:** That's right. We're not going to abuse it.

There are going to be clear and firm guidelines set out that we will know, and so will you, the members on the opposite side. You will know exactly what is going to be claimable, what is legitimate, what we can justify to the public that pays our salaries and our expenses.

Will there be some alcohol allowable? I hope so. I think we have to realize that this is the 21st century.

I would like to read a short paragraph from the Members' Integrity Act about this. The preamble to the act, which sets out broad parameters, states, "Members are expected to perform their duties of office and arrange



their private affairs in a manner that promotes public confidence in the integrity of each member, maintains the assembly's dignity and justifies the respect in which society holds the assembly and its members."

How better to define that this is what we want with this bill? The act will then outline how the commissioner should go about assisting members in the reaching of this worthy goal.

The public, the taxpayers, really don't care whether it's the Liberals, the NDP or the Progressive Conservatives, government or opposition; all they care about is how they spend it and how it's accountable.

**The Deputy Speaker:** It being after six o'clock, this House stands adjourned until 6:45.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

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Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 5 December 2002

Jeudi 5 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 5 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 5 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

#### LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Mr Galt, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated November 25, I am now required to put the question.

Mr Galt has moved third reading of Bill 191. Is it the pleasure of the House that the motion carry? It is carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

### KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002

#### LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINE (MESURES BUDGÉTAIRES)

Mr Galt, on behalf of Mrs Ecker, moved third reading of the following bill:

Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated November 21, 2002, I am now required to put the question.

Mr Galt has moved third reading of Bill 198. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I'd like to request that the vote on Bill 198, An Act to implement Budget measures and other initiatives of the Government, be deferred until December 9, 2002." Signed by the Honourable Doug Galt, MPP from Northumberland, chief government whip.

It is deferred.

### ELECTRICITY PRICING, CONSERVATION AND SUPPLY ACT, 2002

#### LOI DE 2002 SUR L'ÉTABLISSEMENT DU PRIX DE L'ÉLECTRICITÉ, LA CONSERVATION DE L'ÉLECTRICITÉ ET L'APPROVISIONNEMENT EN ÉLECTRICITÉ

Mr Galt, on behalf of Mr Baird, moved third reading of the following bill:

Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated December 3, I am now required to put the question.

Mr Galt has moved third reading of Bill 210. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I would like to request the vote on Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity, be deferred until December 9." It is signed by the Honourable Doug Galt, MPP from Northumberland, chief government whip.

It is deferred.



FUNERAL, BURIAL AND  
CREMATION SERVICES ACT, 2002

LOI DE 2002  
SUR LES SERVICES FUNÉRAIRES  
ET LES SERVICES D'ENTERREMENT  
ET DE CRÉMATION

Resuming the debate adjourned on November 27, 2002, on the motion for second reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

**The Deputy Speaker (Mr Bert Johnson):** Pursuant to the order of the House dated December 4, I am now required to put the question.

On November 25, Mr Hudak moved second reading of Bill 209. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

"Pursuant to standing order 28(h), I'd like to request that the vote on Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes, be deferred until December 9, 2002." Signed by the Honourable Doug Galt, MPP from Northumberland, chief government whip.

It is deferred.

Orders of the day?

**Hon Doug Galt (Minister without Portfolio):** Mr Speaker, I would move adjournment of the House.

**The Deputy Speaker:** Is it the pleasure of the House that the motion carry? It is carried.

This House stands adjourned until 1:30 o'clock Monday afternoon, December 9.

*The House adjourned at 1851.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Gary Carr  
Clerk / Greffier: Claude L. DesRosiers  
Deputy Clerk / sous-greffière: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hamilton West / -Ouest	Christopherson, David (ND)
		Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		
Burlington	Jackson, Cameron (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Cambridge	Martiniuk, Gerry (PC)		
Chatham-Kent Essex	Hoy, Pat (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation		
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
	O'Toole, John R. (PC)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Durham	Colle, Mike (L)		
Eglinton-Lawrence	Peters, Steve (L)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Elgin-Middlesex-London			
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London West / -Ouest	Wood, Bob (PC)
	Hastings, John (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Etobicoke North / -Nord	Kells, Morley (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)		
Glengarry-Prescott-Russell		Mississauga Centre / -Centre	Sampson, Rob (PC)
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiles, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
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Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
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Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
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Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, du Développement et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
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		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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McMeekin, Bill Murdoch, Wayne Wettlaufer  
Clerk / Greffier: Katch Koch



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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 9 December 2002

Lundi 9 décembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 9 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 9 décembre 2002

*The House met at 1330.  
Prayers.*

### ESTIMATES

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**The Speaker (Hon Gary Carr):** The Lieutenant Governor transmits estimates and supplementary estimates of certain sums required for the services of the province for the year ending March 31, 2003, and recommends them to the Legislative Assembly.

### MEMBERS' STATEMENTS

#### HAZARDOUS WASTE

**Ms Caroline Di Cocco (Sarnia-Lambton):** Sarnia-Lambton is becoming a toxic waste haven, thanks to the Harris-Eves government. Their lax regulations saw that the now Clean Harbours site near Brigden expanded in 1997 to become the largest toxic waste landfill and incinerator in the country, yet only about 5% of the waste is local. Most of the waste comes from outside the province. Next month, this facility will receive untreated toxic sludge from the Sydney tar pond site in Nova Scotia.

Dalton McGuinty took the time last Thursday to speak and listen to the people in Lambton county. Dalton called the tar pond sludge proposal what it is: a disgrace.

In Ontario, we will take untreated hazardous waste from anywhere and simply dump it into the ground, a practice that has been outlawed in every other jurisdiction on this continent.

The residents have said enough is enough, and thousands are now joining forces to stop the toxic sludge.

The fundamental difference between the values of an Ernie Eves government and a Dalton McGuinty government is that the Harris-Eves government does not stand up for strong environmental laws. But Dalton McGuinty understands that the way to compete is not to have the weakest toxic waste laws in North America but to build strong communities by having the strongest toxic waste laws on the continent.

#### PORT PERRY LIONS CLUB

**Mr John O'Toole (Durham):** I rise in the House to recognize the Port Perry Lions Club on its 65th anniversary. I would like to congratulate Wayne Burrell, president of the club, and all the members who have given so much to the community.

Lionism in Port Perry began on November 16, 1937, when the local club was founded with 20 members and sponsorship from the Newmarket Lions Club. Ernest Hayes was the first president.

The help they provided to the community included building playgrounds, sponsoring street dances and providing 700 sacks of candy for the Santa Claus parade. Over the years they contributed gift bags for soldiers in World War II, raised funds for the hospital and helped build the first ice pad at Scugog arena.

Today, Port Perry Lions continue to serve the community with hospital fundraisers, support for the guide dog program, Breakfast with Santa, the annual soapbox derby and the Santa Claus parade. Port Perry Lions sponsor a youth fastball team and also volunteer at a local vision screening program for junior and senior kindergarten students. Those are just a few of their projects.

Their roster includes Gord Prentice, who has belonged to the Port Perry Lions for 38 years and has been honoured with the Helen Keller Award. Among the other dedicated Port Perry Lions are Tom Wilson and Maurice Patterson, who each have more than 40 years' service to Lionism in Port Perry and with other Lions clubs. Mr Rob Rice, a past governor for the Lions, is also among its members.

The Port Perry Lions are but one example of the many community organizations that make a difference in Durham and make everyone's lives better with the families they touch. I wish them continued success.

#### GOVERNMENT CONSULTANTS

**Mr Bruce Crozier (Essex):** Last week the Provincial Auditor put the lie to the myth this government has propagated that Progressive Conservatives are good money managers. The auditor pointed out that this government spent \$662 million on consultants last year, almost \$400 million more than was spent in 1998.

Ontarians are rightfully outraged at this flagrant breach of taxpayers' trust. This is a shameful amount to waste when our kids are without schoolbooks.



It's simply disgusting that the Ministry of Finance allowed a consultant to be paid \$681,000 in error. It's sickening that the same ministry awarded a \$3-million contract, despite the fact that the lowest bid was less than half that amount, when our hospitals are running deficits. It's appalling that Management Board awarded a \$1.7-million consulting contract without any competition.

This echoes the kind of mismanagement that left taxpayers on the hook for \$5,000 per Ministry of Natural Resources computer last year. This same government refuses to give us the numbers on this and other contracts with MFP and refuses to table any consultant contracts for public scrutiny.

This government obviously doesn't know and doesn't care what they're doing with our taxpayer dollars. It's typical of their mismanagement over the past seven years. Good money managers? They couldn't manage a two-car parade.

### THE ARTS PROJECT

**Mr Bob Wood (London West):** I rise today to inform members about The Arts Project, based in the great city of London. The Arts Project, otherwise known as TAP, is a not-for-profit organization dedicated to encouraging, aiding and promoting artists and arts groups in the London area by providing a multi-use facility where they can meet, work, share information, learn new skills and exhibit their art.

The goals of The Arts Project include providing artists, arts groups, schools and non-profit organizations with affordable artists' studios, printmaking studios, education workshops, exhibition space, a performance area, arts-related programs and an on-line art gallery.

There are approximately 6,200 artists living in the London area, plus a large student population that attends arts programs offered by their schools. There are also some 60 arts organizations operating in the area. Historically, these individuals and groups have worked in isolation and there has been little communication and collaboration with each other. The Arts Project is primarily designed to bridge this divide.

The general public and visitors to the city also gain from a strong multidisciplinary arts centre in the heart of London. The following are some of the key benefits that TAP provides: affordable space, accessible public art, unique education opportunities, cross-pollination of the arts, enhancement of London's reputation and downtown revitalization. Through its various activities, shows and events, TAP has seen some 20,000 people pass through its doors to date this year.

The Ontario Trillium Foundation recently awarded The Arts Project with two years of operations funding, which will give the London-based arts centre the required time to become self-sufficient.

I know all members will join with me in congratulating The Arts Project members, volunteers, sponsors and staff for providing such a worthwhile service to the London area.

1340

### RACIAL PROFILING

**Mr Alvin Curling (Scarborough-Rouge River):** I rise today to speak about the lack of leadership when it comes to racial profiling. Several weeks ago, a coalition of black community leaders held a press conference and openly called upon this government to finally address the severe problems of racism that exist with some in the police force. To their credit, the police have made some steps in meeting with the concerned community. But where is the leadership by the government of Ontario?

A summit was held, sponsored by Lincoln Alexander, and they too took some steps forward. But where is the leadership by the government of Ontario?

The Toronto city council has passed a resolution and made some steps forward. But where is the leadership by the government of Ontario?

Dalton McGuinty, my colleagues and I just a week ago met with some 35 leaders of the black community, and we are fully committed in eradicating racial profiling unequivocally, with a zero tolerance policy. But where is the leadership by the government of Ontario?

This is not an issue that only concerns the black community. Racial profiling is abhorrent and vicious and impacts us all. This is an issue that requires leadership, integrity and understanding. This is an issue that required a clarion call for justice and the involvement of government, society and the police. This is not about pegging one group against the other. It's about rectifying a wrong, bringing everyone to a conclusive and final agreement. This does not require any more studies; it requires action. Where is the government of Ontario?

### FIRST NATIONS MINING AND FORESTRY REVENUES

**Mr Gilles Bisson (Timmins-James Bay):** This coming Thursday I'll be introducing in the House a motion for debate, and I'll be looking at various members across the assembly from the three parties to support it.

The motion is quite simple. It reads as follows: "That, in the opinion of this House, the government of Ontario should, in consultation with First Nations communities of northern Ontario and with other levels of government, develop and implement a mechanism where those communities can share in the revenue from mining and forestry operations that are conducted in their traditional territories."

This motion speaks to a long-standing problem we've had in the province of Ontario and, I would argue, across Canada. This is the first time something like this is being attempted anywhere in the nation; that is, if you have a mining or forestry operation set up, let's say, next to North Bay or Timmins or wherever it might be, there's an automatic mechanism for municipalities to be able to share in the revenue from those projects by way of taxation. It's well understood that if you start up a new

forestry plant in North Bay, there's going to be taxation paid by that company to the city of North Bay in order to be able to offset the costs of running infrastructure and for the betterment of the community. First Nations communities have no such mechanism.

This motion calls for the provincial government, in consultation with First Nations, to develop a process by which if a project like De Beers diamond mine was to start up in Attawapiskat, there would be a mechanism where De Beers would have to pay some form of taxation to the community of Attawapiskat so they can benefit from the full benefits of such a project, just as they would if they had set up that mine in Timmins, Kirkland Lake or Kapuskasing. I call on all members of the assembly to be here Thursday and to vote on behalf of this motion.

### SANTA FUND IN NIPISSING

**Mr AL McDonald (Nipissing):** Today I'd like to speak about an event that occurs every holiday season in my riding of Nipissing. It is known as the Santa Fund, a fundraising effort that provides assistance to families in need over the holiday season.

Every year, the Santa Fund has a fundraising goal to be met, and this year they are aiming to meet their \$100,000 goal. So far, they are just shy of \$20,000. According to Lachlan McLachlan, the fund chairman of the Santa Fund, they feel very confident that within the next couple of weeks they will be able to meet their goal with the assistance of local businesses, community organizations, churches, schools, carollers and individuals throughout Nipissing.

The Santa Fund has been very successful over the years in helping out those less fortunate. This organization began in 1947 and was founded by the late Sam Jacks, and Doris and Art Haley. The motto is, "No family should go without food." They have maintained this motto, with over 300 volunteers delivering baskets of food, turkey, toys, and clothing for children. The Santa Fund now is one of the city's largest and longest-running fundraising efforts. It continues to grow stronger over the years thanks to the help of many people.

It is a well-known fact that Ontario continues to be the best province in Canada to work and raise a family. Unfortunately, there are still families and individuals who go without. It is organizations like the Santa Fund that truly bring the spirit of the season forward and help out members of their communities through efforts such as this.

### EDUCATION FUNDING

**Mr Gerard Kennedy (Parkdale-High Park):** I rise today to speak about us heading into the holidays. People don't realize that this is likely our last week. These are less than happy holidays for the 280,000 children in the Toronto District School Board that this government has made into political pretzels. Students have been losing

needed services like guidance counsellors in education systems every day.

Today, Kathleen Foley and a few dozen parents made a public presentation on behalf of those students and they have named who to blame. They named, in fact, Ernie Eves as the grinch that stole education in their city and, of course, in communities around the province. They say it's the grinch that stole special education, occasional teachers, educational assistants, parenting centres, and so forth.

**Mr John Hastings (Etobicoke North):** Oh, yeah?

**Mr Kennedy:** We hear some "oh, yeahs" on the part of some members opposite, but this week, as they sit there complacently, headed toward their holidays, we have a pregnant mother here today who talked about a social worker who helped keep her going. That social worker was laid off this week. Another student told us of a three-year-old work order on a ceiling that's falling in their classroom.

They also told us about the fudge cookies they brought as a present for Mr Eves because of the fudging that happened with the books here in Toronto. Most importantly, these parents still have hope. They hope that, like the grinch, Mr Rozanski may be able to make Mr Eves have his heart grow three times bigger and change his mind and admit his mistakes. But these children and their parents believe they are more likely to be like disappointed kids at Christmas: that they'll find a lump of coal. But that coal may come in handy in their stocking, because the heat has been turned down in Toronto schools.

### DRINKING AND DRIVING

**Mr Garfield Dunlop (Simcoe North):** I want to say first of all how nice it is to see so many of the students here today in our galleries.

With just over two weeks before Christmas, I, like all members of the House, look forward to spending quality time with my family and friends back in the riding. It is the festive season and the focus is placed on the dangers of drinking and driving.

We now see evidence of this everywhere. Turn on your TV to see it in the form of commercials, or look on the streets of your neighbourhood to see the police authorities implement a RIDE program.

The festive season provides us with the opportunity to get together with people we may not have seen all year long. Unfortunately, getting together often means having a few drinks too many and being faced with the decision of whether or not to get behind the wheel of a car.

I encourage everyone who has to make this decision, perhaps more than once over the holidays, to remember that drinking and driving is the principal cause of death and injury in Ontario. But there is much more at stake. By drinking and driving, we not only risk injuring or killing ourselves or other people; we also risk leaving our family and friends without us.



Our government has implemented a number of measures to fight drinking and driving. For example, we increased fines and suspension periods for convicted drunk drivers and doubled grants to RIDE programs. I introduced a private member's bill to implement an ignition interlock program for people who violate drinking and driving law in Ontario. We will see these devices installed early in the new year.

But no matter how much we do, the decision still counts down to a personal decision, so please remember to make the right choice this holiday season. Please don't drink and drive.

### VISITORS

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** On a point of order, Mr Speaker: Today marks the 25th anniversary of the air ambulance service in our province. It's my pleasure to recognize four members of the service who are joining us in the members' gallery today. We have Dr Chris Mazza, the CEO of the Ontario air ambulance base hospital program; Steve Farquhar and Steve Darling, two critical care flight paramedics from Bandage One; and Captain Jerry Beatty, a pilot from Bandage One.

I ask that all members of this House recognize these members of the air ambulance service and to congratulate the service for their 25 years of hard work and commitment to Ontarians from north to south and east to west.

**The Speaker (Hon Gary Carr):** I'm also very pleased to have with us today in the Speaker's gallery Her Excellency the Vietnamese ambassador to Canada, who is accompanied by her husband. Please join me in welcoming our honoured guests.

**Ms Caroline Di Cocco (Sarnia-Lambton):** On a point of order, Mr Speaker: I'd like to ask for unanimous consent to wear a button that says "Stop the Toxic Sludge."

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

1350

### INTRODUCTION OF BILLS

#### REENA FOUNDATION ACT, 2002

Mr Arnott moved first reading of the following bill:

Bill Pr17, An Act respecting the Reena Foundation.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 84, the bill stands referred to the standing committee on regulations and private bills.

#### GENOCIDE MEMORIAL WEEK ACT, 2002

#### LOI DE 2002 SUR LA SEMAINE COMMÉMORATIVE DES GÉNOCIDES

Mr Wood moved first reading of the following bill:

Bill 222, An Act to proclaim Genocide Memorial Week in Ontario / Projet de loi 222, Loi proclamant la Semaine commémorative des génocides en Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Bob Wood (London West):** This bill proclaims the week beginning on the fourth Monday in March of each year as Genocide Memorial Week. It is similar to a bill I introduced earlier, but adds the United Nations definition of genocide to the preamble and makes a few editing changes to the preamble.

I will be asking the House soon to give second reading to the bill and refer it to committee for consideration.

#### ONTARIO HERITAGE DAY ACT, 2002

#### LOI DE 2002 SUR LE JOUR DU PATRIMOINE DE L'ONTARIO

Mr Agostino moved first reading of the following bill:

Bill 223, An Act to proclaim Ontario Heritage Day and to amend other Acts to include Ontario Heritage Day as a holiday / Projet de loi 223, Loi proclamant le Jour du patrimoine de l'Ontario et modifiant d'autres lois en vue de l'ajouter comme jour férié.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Dominic Agostino (Hamilton East):** If this bill is passed—if the government will bring it forward—it certainly would give us an opportunity to have a day to celebrate our heritage and history in this great province. I think Ontarians from all walks of life who have come here from many countries would love to participate in that. It would be the second Monday in June and would be declared a statutory holiday.

### VISITORS

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Speaker: It gives me the greatest of pleasure to stand and introduce the class from Our Lady of Perpetual Help school, created in the great riding of Toronto Centre-Rosedale, and the home class of our page, Victoria.

## MOTIONS

## HOUSE SITTINGS

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that, notwithstanding the motion passed by the House on Monday, November 18, 2002, pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm until midnight on Monday, December 9, 2002, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1355 to 1400.*

**The Speaker:** Would the members kindly take their seats, please.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

## Ayes

Agostino, Dominic	Elliott, Brenda	Newman, Dan
Arnott, Ted	Galt, Doug	O'Toole, John
Baird, John R.	Gerretsen, John	Ouellette, Jerry J.
Barrett, Toby	Gilchrist, Steve	Parsons, Ernie
Beaulucci, Rick	Gill, Raminder	Peters, Steve
Beaubien, Marcel	Gravelle, Michael	Phillips, Gerry
Bountrogianni, Marie	Hardeman, Ernie	Pupatello, Sandra
Boyer, Claudette	Hastings, John	Ramsay, David
Bradley, James J.	Hoy, Pat	Runciman, Robert W.
Bryant, Michael	Hudak, Tim	Ruprecht, Tony
Caplan, David	Jackson, Cameron	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Sergio, Mario
Clark, Brad	Johnson, Bert	Smitherman, George
Cleary, John C.	Kells, Morley	Sorbara, Greg
Clement, Tony	Kennedy, Gerard	Spina, Joseph
Coburn, Brian	Klees, Frank	Sterling, Norman W.
Colle, Mike	Lalonde, Jean-Marc	Stewart, R. Gary
Conway, Sean G.	Levac, David	Stockwell, Chris
Cordiano, Joseph	Marland, Margaret	Tascona, Joseph N.
Crozier, Bruce	Maves, Bart	Tsubouchi, David H.
Cunningham, Dianne	Mazzilli, Frank	Turnbull, David
Curling, Alvin	McDonald, AL	Wettlaufer, Wayne
DeFaria, Carl	McLeod, Lyn	Wilson, Jim
Di Cocco, Caroline	McMeekin, Ted	Witmer, Elizabeth
Dombrowsky, Leona	Miller, Norm	Wood, Bob
Duncan, Dwight	Molinari, Tina R.	Young, David
Dunlop, Garfield	Munro, Julia	
Ecker, Janet	Mushinski, Marilyn	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Churley, Marilyn	Martel, Shelley	
Hampton, Howard	Martin, Tony	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 82; the nays are 7.

**The Speaker:** I declare the motion carried.

## DEFERRED VOTES

KEEPING THE PROMISE  
FOR A STRONG ECONOMY ACT  
(BUDGET MEASURES), 2002

LOI DE 2002 SUR LE RESPECT  
DE L'ENGAGEMENT D'ASSURER  
UNE ÉCONOMIE SAINTE  
(MESURES BUDGÉTAIRES)

Deferred vote on the motion for third reading of Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1404 to 1409.*

**The Speaker:** Will the members kindly take their seats, please.

All those in favour will please rise one at a time and be recognized by the Clerk.

## Ayes

Arnott, Ted	Hastings, John	Ouellette, Jerry J.
Baird, John R.	Hudak, Tim	Runciman, Robert W.
Barrett, Toby	Jackson, Cameron	Sampson, Rob
Beaubien, Marcel	Johns, Helen	Spina, Joseph
Chudleigh, Ted	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Kells, Morley	Stewart, R. Gary
Clement, Tony	Klees, Frank	Stockwell, Chris
Coburn, Brian	Marland, Margaret	Tascona, Joseph N.
Cunningham, Dianne	Maves, Bart	Tsubouchi, David H.
DeFaria, Carl	Mazzilli, Frank	Turnbull, David
Dunlop, Garfield	McDonald, AL	Wettlaufer, Wayne
Ecker, Janet	Miller, Norm	Wilson, Jim
Elliott, Brenda	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Mushinski, Marilyn	Young, David
Gill, Raminder	Newman, Dan	
Hardeman, Ernie	O'Toole, John	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Agostino, Dominic	Crozier, Bruce	Martin, Tony
Bartolucci, Rick	Curling, Alvin	McLeod, Lyn
Bisson, Gilles	Di Cocco, Caroline	McMeekin, Ted
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hampton, Howard	Prue, Michael
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kennedy, Gerard	Ramsay, David
Cleary, John C.	Kormos, Peter	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Martel, Shelley	Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 49; the nays are 42.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.



## VISITOR

**The Speaker (Hon Gary Carr):** We have in the members' west gallery Ms Barbara Sullivan, the member for Halton Centre in the 34th and 35th Parliaments.

FUNERAL, BURIAL AND  
CREMATION SERVICES ACT, 2002

LOI DE 2002  
SUR LES SERVICES FUNÉRAIRES  
ET LES SERVICES D'ENTERREMENT  
ET DE CRÉMATION

Deferred vote on the motion for second reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funéraires, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

**The Speaker (Hon Gary Carr):** Same vote? No. Call in the members. This will be a five-minute bell.

*The division bells rang from 1413 to 1418.*

**The Speaker:** Would the members take their seats, please.

All those in favour, please rise one at a time and be recognized by the Clerk.

## Ayes

Amott, Ted	Hastings, John	Ouellette, Jerry J.
Baird, John R.	Hudak, Tim	Runciman, Robert W.
Barrett, Toby	Jackson, Cameron	Sampson, Rob
Beaubien, Marcel	Johns, Helen	Spina, Joseph
Chudleigh, Ted	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Kells, Morley	Stewart, R. Gary
Clement, Tony	Klees, Frank	Stockwell, Chris
Coburn, Brian	Mariand, Margaret	Tascona, Joseph N.
Cunningham, Dianne	Maves, Bart	Tsubouchi, David H.
DeFaria, Carl	Mazzilli, Frank	Turnbull, David
Dunlop, Garfield	McDonald, AL	Wettlaufer, Wayne
Ecker, Janet	Miller, Norm	Wilson, Jim
Elliott, Brenda	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Mushinski, Marilyn	Young, David
Gill, Raminder	Newman, Dan	
Hardeman, Ernie	O'Toole, John	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Agostino, Dominic	Crozier, Bruce	Martin, Tony
Bartolucci, Rick	Curling, Alvin	McLeod, Lyn
Bisson, Gilles	Di Cocco, Caroline	McMeekin, Ted
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hampton, Howard	Prue, Michael
Christopherson, David	Hoy, Pat	Pupatello, Sandra
Churley, Marilyn	Kennedy, Gerard	Ramsay, David
Cleary, John C.	Kormos, Peter	Ruprecht, Tony
Colle, Mike	Lalonde, Jean-Marc	Sergio, Mario
Conway, Sean G.	Levac, David	Smitherman, George
Cordiano, Joseph	Martel, Shelley	Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 49; the nays are 42.

**The Speaker:** I declare the motion carried.

Pursuant to the order of the House dated December 4, 2002, the bill is ordered for third reading.

ELECTRICITY PRICING,  
CONSERVATION  
AND SUPPLY ACT, 2002

LOI DE 2002 SUR L'ÉTABLISSEMENT  
DU PRIX DE L'ÉLECTRICITÉ.  
LA CONSERVATION DE L'ÉLECTRICITÉ  
ET L'APPROVISIONNEMENT  
EN ÉLECTRICITÉ

Deferred vote on the motion for third reading of Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1422 to 1427.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

## Ayes

Agostino, Dominic	Elliott, Brenda	Ouellette, Jerry J.
Amott, Ted	Galt, Doug	Parsons, Ernie
Baird, John R.	Gerretsen, John	Patten, Richard
Barrett, Toby	Gilchrist, Steve	Peters, Steve
Bartolucci, Rick	Gill, Raminder	Phillips, Gerry
Beaubien, Marcel	Gravelle, Michael	Pupatello, Sandra
Bountrogianni, Marie	Hardeman, Ernie	Ramsay, David
Boyer, Claudette	Hastings, John	Runciman, Robert W.
Bradley, James J.	Hoy, Pat	Ruprecht, Tony
Bryant, Michael	Jackson, Cameron	Sampson, Rob
Caplan, David	Johns, Helen	Sergio, Mario
Chudleigh, Ted	Johnson, Bert	Smitherman, George
Clark, Brad	Kells, Morley	Spina, Joseph
Cleary, John C.	Klees, Frank	Sterling, Norman W.
Clement, Tony	Lalonde, Jean-Marc	Stewart, R. Gary
Coburn, Brian	Mariand, Margaret	Stockwell, Chris
Colle, Mike	Maves, Bart	Tascona, Joseph N.
Cordiano, Joseph	Mazzilli, Frank	Tsubouchi, David H.
Crozier, Bruce	McDonald, AL	Turnbull, David
Cunningham, Dianne	McLeod, Lyn	Wettlaufer, Wayne
Curling, Alvin	McMeekin, Ted	Wilson, Jim
DeFaria, Carl	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Molinari, Tina R.	Wood, Bob
Duncan, Dwight	Munro, Julia	Young, David
Dunlop, Garfield	Mushinski, Marilyn	
Ecker, Janet	O'Toole, John	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles	Hampton, Howard	Martin, Tony
Christopherson, David	Kormos, Peter	Prue, Michael
Churley, Marilyn	Martel, Shelley	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 76; the nays are 8.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

1430

## VISITORS

**Mr Ernie Parsons (Prince Edward-Hastings):** On a point of order, Mr Speaker: I would like to welcome the chief and deputy fire chief of the Quinte West Fire Department, Cliff Jeffrey and John Whelan, in our west gallery. I am very proud of the work that they and their department do.

**Hon Jerry J. Ouellette (Minister of Natural Resources):** On a point of order, Mr Speaker: I would like to introduce Mrs Lamis Boland, who has come to see her hard-working son, page Anthony Boland, here at Queen's Park.

## ORAL QUESTIONS

### PROPERTY TAXATION

**Mrs Sandra Pupatello (Windsor West):** My question is for the Minister of Finance. I have in my hand lists that have been put together by the Municipal Property Assessment Corp. This is a corporation that you created and that is run by your provincial appointees.

The Toronto list is entitled "fine-tuning," and for Windsor it's called the "sensitive" list. The people on this list for fine-tuning of their property tax assessments read like a Who's Who of who can make trouble for the government: along with local politicians, media types such as Moses Znaimer, Peter Mansbridge, Garth Turner, Gord Martineau, and on and on.

The agency is a creature of your government. You created it; you appoint the board. There's a list like this for every region in Ontario, and it's a list about damage control. You went out of your way to go over the assessments for the people on these lists with a fine-toothed comb because you don't want anyone with a high profile causing trouble for you, but the rest of Ontario waits on hold while they complain about their high tax assessments.

Minister, how do you rationalize the creation of these lists?

**Hon Janet Ecker (Minister of Finance):** As the honourable member may well know, this organization is an independent corporation that is run by the municipalities on property tax assessment. However, it is very, very clear that the issue here is that some taxpayers may well have received treatment that is different than other taxpayers. I think any perception of favouritism by MPAC is unacceptable. That's why I wrote to them this morning and asked them to look into this to assure

taxpayers that everyone has been treated equitably and fairly. They have written back to assure us that an investigation is going on into the existence of that list and what it means and to make sure that no taxpayers have been treated unfairly.

**Mrs Pupatello:** Well, Minister, let me say to you again that this is an agency you created. You appointed the board members. It is your agency, and you can't sidestep this one. You've politicized the bureaucracy so much that they put together secret lists for special treatment to do their damage control.

It's you who cut the civil service to the bone so there aren't people to do these assessments and reviews like there used to be. There's about half the staff there used to be. There aren't enough employees to handle the complaints by the public, but they've got the time to make these special lists for special people: for city newspaper columnists, journalists, politicians. They get special treatment and an assessment to the 11th degree, and that covers your bases. But for normal people: please, Minister, explain why there would be two standards for people in this province, one for that special list of sensitive people and another for the rest of Ontario complaining about their tax hikes.

**Hon Mrs Ecker:** First of all, there are not, nor should there be, two standards for taxpayers in this province. That's why I have written to MPAC to ask them to explain themselves and to ensure that all taxpayers are treated fairly, that there is to be no special treatment. They have written back and said to us that they are reviewing this to make sure that is indeed the case.

This organization was set up at arm's length from the government to govern the property tax assessment system on behalf of municipalities. Municipal representatives constitute the majority of the governance of this board. But what is important here is that all taxpayers must be treated fairly, and steps are being taken to ensure that is indeed the case.

**Mrs Pupatello:** Minister, the list exists and there's a secret list of people who get special attention. You appointed the people to run this organization. In Toronto it's called "fine-tuning"; in Windsor it's called the "sensitive" list. Tell us why it could possibly include columnist Gord Henderson on a Windsor list, but you want to stay out of trouble. We've heard that people on the list get special treatment and the average family can't get through on the line. They're put on hold and they don't get answers on why their property taxes are going through the roof. They can't get the service, but special people are getting all the service they require.

Last week we learned that half of Ontario companies aren't even filing their income tax. That's your ministry's problem. Today we learned that half of the people can't get through on the phone lines. They're put on hold when they're trying to call about their property tax assessments, but these special people, the elite of Toronto, are the ones who get all of the attention.

Minister, this is in your bailiwick, and it's about time you do something about it.



**Hon Mrs Ecker:** That particular list contains a number of politicians on it from all political parties, so if the honourable member believes she or a member of her party have had special treatment, I would be very pleased to look into that.

The assessment rolls are public. We have told MPAC this is not acceptable. We have written to them this morning to ensure that this is not acceptable behaviour. They indeed are launching an investigation to ensure that no taxpayers have received preferential treatment. That would not be right. That is contrary to government policy, and I have encouraged them to do the right thing.

#### GOVERNMENT CONSULTANTS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Chair of the Management Board of Cabinet. I want to follow up on some concerns raised by the Provincial Auditor last week. He tells us in his report that spending on consultants has more than doubled under the Harris-Eves government.

Over the past three years, the Ministry of Energy has paid one company, Enterprise Canada, over \$600,000 in consulting fees. We've checked the lobbyist registry, and at the same time as you were paying them as consultants for the Ministry of Energy, they were also being paid by Direct Energy and National Grid.

Minister, how could you allow such an obvious conflict of interest to occur?

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** First of all, I point out that last week—and in fact every day that I answer these questions—I indicated that the auditor is making certain recommendations that we accept fully. In fact, what we're doing right now is bringing in rules that will address all the concerns the auditor has. We're trying to make sure that we have that type of full accountability for the taxpayers' money.

These are some of the rules I indicated last week, which I certainly indicate again. The ministries will be required to also provide annual reporting to the Management Board on their use of consulting services. In addition to that, we are requiring full documentation. I also am looking right now, at the request of the Premier, at going further than addressing the concerns the auditor indicated in his recommendations, which we have either implemented or are in the process of implementing now; to go further than that to see if there are any other ways in which we can make sure the public service is far more accountable than it is now.

**Mr Duncan:** One of the principals is Hugh Mackenzie, a good friend of the Premier's. I should say that our beef is not with him or that firm; it's with you. You are the ones who have allowed the conflict of interest to occur.

Senior civil servants have a cooling-off period. They aren't allowed to profit from their government work. The same either isn't true or hasn't been enforced with regard to government consultants.

Minister, Enterprise Canada's Web site says they offer "an energy practice designed to assist clients in influencing the restructuring of Ontario's electrical and natural gas sector."

The Ministry of Energy paid Enterprise Canada \$600,000. While they were working as government consultants, Direct Energy and National Grid were paying them to influence government energy policy. If this isn't a conflict of interest, I don't know what is.

Minister, were you aware of this situation? If not, what investigations will you undertake to ensure that the public interest was never compromised by your government's incompetence?

**Hon Mr Tsubouchi:** I'm going to send the second part of this over to the Minister of Energy for the response.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I read with great interest the report tabled last week by the Provincial Auditor. I think all of us on this side of the House value the contribution that he makes to public administration in the province of Ontario.

I've gone on record a good number of times saying that the taxpayer is well served by the Provincial Auditor. The Premier, on receiving the Provincial Auditor's report, said that with respect to the use of consultants by government ministries, we should not only adopt what he has recommended but perhaps indicate to the Chair of Management Board that we should look even further. I totally agree with the Premier in that regard.

**The Speaker (Hon Gary Carr):** Final supplementary?

1440

**Mr Duncan:** Minister, documents filed with the lobbyist registry indicate that Enterprise Canada was lobbying on behalf of Direct Energy on the electricity market opening. They were lobbying on behalf of National Grid on both the market opening and the sale of Hydro One. At the same time, the Ministry of Energy was paying them \$600,000. These are two of the biggest decisions your government has taken. These decisions are worth billions of dollars.

In addition to the energy contracts, they were paid by Management Board while lobbying for Accenture. They were paid by the Attorney General while lobbying the government for changes to the Public Accountancy Act. Last year, Enterprise Canada was paid by the Ministry of Health. This year, it's lobbying them for private MRIs.

Taxpayers have paid Enterprise Canada in excess of \$3 million. They have worked for 11 ministries while representing 113 private interests. Will you authorize the immediate release of all their contracts, and will you release what rules you have, if any, governing these consultants and how these conflicts have come to happen? Will you do that today?

**Hon Mr Tsubouchi:** What I will indicate today is what I've been indicating for the last week: the auditor has made certain recommendations, we're following them fully and we're looking to go further than that. I put

on the record again, in case the members of the opposition haven't listened fully, that part of what we need right now, and what the auditor said we needed, is full documentation.

#### *Interjections.*

**Hon Mr Tsubouchi:** By the way, we do have lobbyist registration legislation. We brought that in, folks, not you.

It's important for us to make sure there's accountability for money that's being spent. We also indicated clearly that we want to have follow-up reports as well for any use of consultants. We've also asked all the ministries to look first in terms of using internal resources we have in the public service. If they're not available, we will allow the use of consultants. But as part of any consultant's job, they have to make sure we have a transfer of that knowledge to the public service, so that in the future we can depend on the resources we have at hand.

### HYDRO ONE

**Mr Howard Hampton (Kenora-Rainy River):** I wonder if Enterprise Canada has any connection with Groupe Action Québec, or is it Groupe Action Canada?

My question is for the Minister of Finance. Enron was a company that engaged in a number of side deals to cover up the bad financial shape of its books. We know from your financial statement that your government is facing a \$2-billion shortfall, so you're going to do a side deal and sell off 50% of Hydro One in order to make your books look better.

Can you tell the people of Ontario why you're going to use the discredited Enron style of economics here in Ontario?

**Hon Janet Ecker (Minister of Finance):** We are not; we would not.

**Mr Hampton:** I think it's pretty clear that the government has indicated it wants to sell up to 49% of Hydro One. I think it's also pretty clear from your financial statement just a couple of days ago and your budget in the spring that you're \$2 billion short. We've asked for estimates out there of what Hydro One might be worth. Even some of your cabinet ministers have indicated that you'd like to get about \$2 billion for the sale of half of Hydro One. That sounds very much like the Enron style of economics. You do a side deal over here and try to cover up the difficulties you're facing with your budget, in terms of your finances. Except the problem here is that when you sell off half of Hydro One, you also sell off half of its profits, \$200 million a year, which the people of Ontario then have to make up either through higher hydro rates or through some other means.

Can you tell me how the people of Ontario come out ahead in this kind of Enron-style deal?

**Hon Mrs Ecker:** I appreciate the honourable member's concern about balanced budgets in this province. It would have been more helpful for Ontario taxpayers if he and his government had paid attention to balanced

budgets instead of racking up an \$11-billion deficit, having the government spend \$1 million more an hour every hour of the day than they were taking in.

This government, because of the economic planning and policies we put in place under Premier Harris, under Ernie Eves, under Jim Flaherty—those policies have given us balanced budgets for three years in a row. We're on track for another balanced budget this year. We have more jobs, more growth and less debt interest as a percentage of our GDP. The management that we have put in place, and will continue to have in place, is delivering what Ontario needs to generate more jobs and more growth for this province.

**Mr Hampton:** Your own budget discloses that you have to sell off \$2 billion of assets to give the appearance of having a balanced budget. The Provincial Auditor in his report last week pointed out that currently the stream of revenues, the profit from Hydro One, goes toward the stranded debt. If a private company is interested in half of Hydro One, it's only so they can get their hands on those profits, which means the money will no longer be going to the stranded debt. But you still have to pay on the stranded debt, so you either have to raise the debt charge that people pay on their hydro bill or you have to raise their hydro rates. Any way you look at it, the hydro consumers of Ontario get stuck paying over and over and over again just so you can use a little bit of Enron-style flip-flop to hide the fact that you've got a \$2-billion deficit. Wouldn't it be better to tell the people of Ontario that you've got a \$2-billion shortfall, rather than sticking it to hydro consumers year over year over year with high hydro bills? Wouldn't that be a more honest way of doing it? Why don't you come out and admit that that is what's really going on?

**Hon Mrs Ecker:** Again, I appreciate the honourable member's concern for the debt of Ontario Hydro. Why was it that his government, when they left office, had racked up the debt of the old Ontario Hydro to \$38 billion? He thought that was acceptable to taxpayers. We did not think that was acceptable. As a matter of fact, the debt has come down for Ontario Hydro. We laid out the plan in the June budget with revenue and expenditure forecasts as we always do, with a plan in place to ensure there is support for more jobs and more growth, and we laid out our plan for a strategic partner in Hydro One: to have them come in with the private sector discipline that I'm sure the honourable member would agree needs to be done with the investments and improvements that will benefit electricity consumers in this province.

### HYDRO RATES

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Energy. In September I asked you about the situation in Wawa, a northern Ontario town where people were facing skyrocketing hydro bills. Pensioners were paying more for their hydro bill than they were paying for their rent; Main Street businesses were looking at the prospect of going out of



business—the major employers in the community having to question whether they could stay in business. Then you brought in your so-called hydro rebate scheme and you tried to tell everyone that this was going to make a difference for people. We were talking with folks in Wawa just last week. They're still paying 50% more on their hydro bills. Can you tell them why, despite your much ballyhooed rate cap, they're still going to be paying 50% more on their hydro bills?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** As the member opposite will be aware, I spoke to him in September in this place about the cross-subsidization that had occurred in that particular community. The announcement the Premier made on November 11 said that the price of delivery of electricity in Ontario would be frozen.

**Mr Hampton:** The people there have a different version of it. The people there noticed that the company which now owns virtually all of the hydro system is Brascan. This is the same Brascan that contributed over \$100,000 dollars to your Premier's leadership campaign. Brascan has been allowed to arrange the hydro rates so that people are on an ongoing basis being stuck with hydro bills that are at least 50% more than what they paid before.

You're spending \$1.5 million advertising on television and in newspapers a hydro rebate scheme and a hydro rate cap. Why are the people of not just Wawa but of the surrounding communities going to continue to be stuck with hydro bills that they can't afford to pay? Don't you recognize any responsibility to them, or is your responsibility solely to your corporate friends at Brascan?

**1450**

**Hon Mr Baird:** I find it passing strange that the leader of the third party and his entire caucus just stood in their places in the Legislature and voted against Bill 210, a bill that would have provided substantial relief to consumers in Ontario. It would have provided relief to farmers, small business people and working families, and he and his party said no; they wanted none of it. They voted against it that they can't afford to pay? Don't you recognize any responsibility to them, or is your responsibility solely to your corporate friends at Brascan?

The member opposite has raised a tremendously serious concern with respect to how this government may have been influenced. If he has any evidence, I would encourage him to take it directly to the Integrity Commissioner, because I don't believe he has any.

#### ADULT EDUCATION

**Mr Joseph Cordiano (York South-Weston):** My question is for the Minister of Education. Today a number of students from the York Adult Day School have come to Queen's Park to tell their story. It's a story about how your government has turned its back on them and shut the door on their education.

Your appointed supervisor to the Toronto District School Board, Paul Christie, ordered the closure of the York Adult Day School effective January 2003. That

means that these students will have no chance to complete their education. How do you answer to the students at York Adult Day School when they say you are being insensitive? Students who are here today, students like Inez Lawrence, Diana Lopez, Michelle Allen, Caroline Moran, David Silva, Jay Singh and John Chan, who are in the gallery today, want to know why your government is turning its back on them and absolutely shutting the door on their continuing education. Why is that, Minister?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** Nothing could be further from the truth. I'm sure that the member opposite knows that as well. I understand the decision was made in order to ensure that any underutilization of space could be taken into consideration. A decision was made to consolidate in order to respond to underutilization. There have been no programs reduced or eliminated. Students are all going to continue to be accommodated at the four remaining sites.

This was an administrative decision that has been made. I can assure the member opposite that the programs will still be there. They will be at different locations but I understand they are in each part of Toronto in order that all the people in the city continue to have access to adult programs.

**Mr Cordiano:** Minister, I don't know what planet you're on but the facts are clear. The closure of York effective January 2003 means that these students will have nowhere else to go because the other schools have waiting lists. They are at capacity. There is nowhere for these students to go.

As a matter of fact, since your government took office in 1995, the number of adult education spaces in Ontario has dropped from about 50,000 to about 8,700 spaces, a tremendous drop of 83%. Not only that, but you reduced the grant per adult student from \$7,000 to about \$2,300. So boards can't fund these spaces. Is it any wonder that the number of spaces has been reduced drastically and these students have nowhere to go?

So I'd like to ask you again, Minister: what do you say to these students who are single moms and people trying to help themselves get back in the workforce? You're turning your back on them. You're shutting the door to their continuing education. That's the end of the story. How do you answer to them? There's no other way to explain it.

**Hon Mrs Witmer:** Last week I spoke to CESBA, which is an organization that deals with adult learners and continuing education. I congratulated them on the tremendous job that they do with our adult learners. I would say to the members opposite that the decisions that are being made will not eliminate any programs. They will not eliminate the opportunities. According to the information that I have received from the Toronto District School Board, it is simply the consolidation of underused space and making sure that people can be accommodated at the other sites.

Adult education, I would mention to the member opposite, is very important. I understand that the Toronto

school board is going to continue to ensure that students can be accommodated at the four sites.

### WEST NIPISSING ECONOMY

**Mr AL McDonald (Nipissing):** My question is for the Minister of Northern Development and Mines. Last month, residents of west Nipissing were hit hard by the announcement that Weyerhaeuser was closing its facility there. Being the neighbouring MPP for the area, I understand the feelings and the losses those workers and their families have experienced. What has the government been doing to help residents of west Nipissing?

**Hon Jim Wilson (Minister of Northern Development and Mines):** My colleague from Nipissing is quite right: west Nipissing is currently in a very unfortunate situation. However, our government is committed to helping this community in its time of need. Our commitment is very clear. On November 7, I was welcomed to the community of west Nipissing—Sturgeon Falls, to be precise—bearing some very important news.

Before I get into that, though, I would like to commend Mr McDonald, my colleague, for his concern for the people of west Nipissing. AL was the first MPP to voice his concern over the Weyerhaeuser plant closure and to pledge our government's support and action to help overcome the challenges ahead.

Our government stepped up to the plate by announcing in west Nipissing that it would be the first community eligible for the northern Ontario heritage fund's economic diversification program. We've made west Nipissing eligible to receive up to 75% or \$5 million per project. These are economic development programs to bring jobs back to the community, and we've set no limit on the number of projects or the number of \$5-million tranches the community can receive to get itself back on its feet. I know there's a local recovery committee working very hard on doing just that right now.

**Mr McDonald:** Thank you, Minister, for that answer. Speaking with some of the residents of west Nipissing, I can tell you they were thrilled with your recent announcement. Can you tell me of any more help the Ontario government is willing to provide for the residents of west Nipissing?

**Hon Mr Wilson:** I too have had the opportunity on many occasions to speak with workers who are directly affected, and their families, and it is a difficult period. I think many people continue to be in shock in that area, but they're in good hands. Their community leaders and the committee they've put together are great people. I've had an opportunity to meet with some of them.

Our ministries are working together. My ministry, with the Ministry of Training, Colleges and Universities, is also implementing a community adjustment program to help ensure that adequate resources are available to address the needs of the community. As I said, the local community adjustment and recovery committee is working very hard and are now just getting their minds around the huge potential they have as a community and to move

that potential into actual new jobs and economic diversification for the community.

I know that their neighbour next door, AL McDonald, will continue to keep us posted on progress and will continue to work hard on behalf of those constituents, who aren't in his riding but who live next door and whom he cares very much about. I know he will continue to bring to our attention the needs of that community as they arise.

### MINISTER'S COMMENTS

**Mr John Gerretsen (Kingston and the Islands):** My question is to the Minister of Public Safety and Security. By now you would have received the letter that was written by the Provincial Auditor to you on December 6 with respect to certain comments that you made both inside and outside the House last week. Specifically, I'm referring to the summary he provides on the third page of his letter. I would just like to ask you for your comments on this.

He states, "I would appreciate if you could clarify to the Legislative Assembly that:

"—the number of 10,000 was an estimate agreed to by your ministry at the time of the audit;

"—the CPIC number of 5,900 had never been communicated to my office and represents more current information which was obtained by you in November 2002;

"—the CPIC number may be somewhat low because it may exclude information from some police forces;

"—my report is not misleading...."

Now, would you please confirm, Minister, that the auditor is correct in his assessment as set out in his letter to you?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** Again, as I indicated in the House last week, as a former chairman of public accounts I have enormous respect for Mr Peters, the office and the role his office plays. With respect to these matters, maybe I'm misinterpreting the letter, but I think Mr Peters does not take issue with respect to the number we have provided off of CPIC, the 5,900 number. I guess the question is whether there was any disagreement at the time of publication. That's a matter—I've asked my deputy to sit down with Mr Peters, hopefully this week, to discuss this situation.

I think the important part of this is that the auditor's report raised some serious issues with respect to outstanding warrants. We agree with that. We are addressing that very vigorously with additional probation and parole workers, the additional monies we've put into the ROPE squad and a number of other initiatives undertaken by this government.

1500

**Mr Gerretsen:** Well, Minister, you still haven't answered the question. He specifically asks you in his letter to clarify to the Legislative Assembly that the number 10,000 was an estimate agreed to by your



ministry at the time of the audit. He also specifically states, "My report is not misleading, but you have more current information, which you wanted to provide to the Legislative Assembly and you and I agree that there are thousands of outstanding arrest warrants, many of which are for serious (Level 1) offenders." He goes on to say, "My report does not indicate that there are 3,000 serious offenders in our community being unmonitored." You made those statements last week; that is not contained in this report in any way, shape or form.

You attacked the integrity of his office, an office on which we all rely in this assembly. Minister, will you not do the right thing now and apologize to him and to the people of Ontario for the language that you used last week?

**Hon Mr Runciman:** I think I handled the issue appropriately last week. With respect to the question of the 3,000 offenders, I am writing back to Mr Peters. I think there has been a misinterpretation, perhaps fuelled by members of the opposition, with respect to this.

#### *Interjections.*

**Hon Mr Runciman:** They're very thin-skinned, aren't they, Mr Speaker? Maybe it has something to do with last week's poll results; I'm not sure.

**Mr Gerry Phillips (Scarborough-Agincourt):** You can't bully him.

**Hon Mr Runciman:** The number 3,000—and I'm sure Mr Phillips wants to hear this—was in respect to the 10,000 figure in the auditor's report. There was an estimate made by the auditor that 30% of those 10,000 individuals with outstanding warrants were level 1 offenders, or serious offenders. That's where the figure came from. So there was a misunderstanding, a lack of communication with respect to that number.

### PUBLIC ACCOUNTING STANDARDS

**Mr Bob Wood (London West):** My question is to the Attorney General. It relates to the public accounting provisions of the recently passed Bill 213. There have been concerns expressed by many people with respect to whether standards for public accounting are going to be lowered and with respect to what process is going to be used to determine what changes are to be made to the current governance of public accounting. Can the minister assure this House that Ontario's standards for public accounting are not going to be lowered and that all interested parties will be fully consulted before any changes flowing from Bill 213 are implemented?

**Hon David Young (Attorney General, minister responsible for native affairs):** I thank the honourable member for his question. With regard to the public accounting provisions of Bill 213, which passed through this Legislative Assembly last week, and as the Minister of Labour reminds me, unanimously, I say to you, sir, that I'd be quite happy to share with you what I have shared with interested parties and indeed with members of this Legislative Assembly, members from all three parties of this Legislative Assembly. No part of the

public accounting provisions will be put into effect until there has been full consultation with the interested party. That will include the ICAO, the CMAs and the CGAs. The standards will not be lowered, and any new rules will reflect the high expectations of our trading partners, both internationally and domestically, and only serve to strengthen Ontario's reputation as a jurisdiction in which individuals from around the world have comfort and great confidence in their investments. That will allow for us to continue to grow as an economy and to create jobs in this great province.

**Mr Wood:** The minister will be aware that one of the key principles of good regulation supported by the Red Tape Commission is that all parties affected should be fully consulted before regulatory changes are made. Will the minister outline for the House the process of consultation which he has in mind for the public accounting changes being contemplated?

**Hon Mr Young:** We have asked Dean Daniels to look into this matter and indeed to consult with stakeholders, including the ones I mentioned just a moment ago. We've given him the task of making sure that accounting standards in this province continue to be internationally respected and reflective of the high expectations of business and indeed investors. He will not only work at establishing a tough exam but he'll also consider educational and experience requirements, public oversight, codes of professional conduct and monitoring and discipline. All his work will ensure that these standards will operate to protect investors, businesses and citizens. He will consult with parties like the ICAO, the CGAs and the CMAs, and he has already started those consultations. We encourage all parties to co-operate with Dean Daniels, and we certainly look forward to receiving his report in the new year.

### EMPLOYMENT STANDARDS

**Mr Peter Kormos (Niagara Centre):** My question is to the Minister of Labour. The Conservative government is forcing people to work overtime against their will. Three men who work at the Toyota assembly plant in Cambridge have spent the last half year fighting for the right to go home after putting in an eight-hour day—the right to go home to rest, to recuperate, to see their families—because Toyota claims those workers don't have that right. Toyota claims that these workers and others have to work overtime, and it says your government has given it the right to do this to those workers. Minister, why did you and your government enact a special regulation that allows bosses like Toyota to force workers to work overtime?

**Hon Brad Clark (Minister of Labour):** The member for Niagara Centre, I'm sure, would want to be factually correct in his statements. It was an employment standards officer who issued an order against Toyota, and Toyota has disagreed with that and has taken it to the Ontario Labour Relations Board. The employment standards officer, an employee of the government, issued an order

on this matter to Toyota, and Toyota disagrees and they've taken it to the Ontario Labour Relations Board. We won't comment further on it because it's before the board.

**Mr Kormos:** Two years ago, your government brought in these new standards—if they're standards at all, they're not standards for workers; they're standards for bosses—and New Democrats argued that workers would be forced to work overtime. Your government, of course, said it could never happen. The then-Minister of Labour, now the Minister of the Environment, said, "The allegations made by the New Democrats are absurd. You're suggesting that somehow an employee would have to agree to overtime averaging for two years and they'd have no way of getting out. That's absurd, absolutely absurd." Of course, the same member claimed that hydro prices would never go up. He was wrong on both accounts.

These workers have been fighting for over six months for the right not to have to work overtime. They and other workers are being forced to work overtime. The issue is, what are you doing to protect those workers from being called upon, being forced, being required to work overtime? You said it wouldn't happen. It did, and those workers are telling me they now have to hire lawyers and go through a process to do something you said could never happen. What are you doing to help those workers to ensure they aren't working forced overtime?

**Hon Mr Clark:** The member for Niagara Centre can growl all he wants; it doesn't change the facts. The facts are that employees of the government of Ontario, employment standards officers, made a decision based on the complaints from employees at Toyota. Toyota has challenged that decision. They have that right, unless you believe they don't have the right to disagree and don't have the right to go before the Ontario Labour Relations Board. If a union didn't have that right, you'd be flipping out. But a company has challenged it, not the province of Ontario. A company has challenged the decision of our employees in this matter. This has nothing to do with your rhetoric. You're completely wrong in this regard. Toyota has taken it to the Ontario Labour Relations Board, and we're going to wait for the outcome of the board. You're just making all this up on the fly.

#### ASSISTED HOUSING

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Community, Family and Children's Services. On the coldest day of this winter, mentally ill and disabled people have been turned away from lodging homes in the city of Hamilton. Many of these folks end up on the street, and some end up in shelters when they're not full. Your government has caused this situation for a number of years now by capping the amount of money that is given for the city to operate lodging homes. This is a serious situation. You have some of the most vulnerable people—people who are mentally ill, people

who are disabled—getting turned away from a lodging home because the cap is there and they cannot accept any more individuals. Where do they end up? They end up back out on the street, and many are on medication, many need that home to carry on from day to day.

The city of Hamilton has asked for \$240,000 to fix this problem. Will you stand up and commit to that money now?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** We have a number of programs in many jurisdictions to help those who are having challenges with housing. I believe the program the member across the way is referring to is a program to which we added per diem funding last year in response to concerns that were raised on this very matter.

1510

**Mr Agostino:** Minister, it is clear that you don't have a clue about what you're talking about. You have capped this program for a number of years. The reality is this: 65 people have been turned away from lodging homes—mentally ill, disabled individuals; sick individuals; individuals on medication to control their mental illness. They're being turned out on to the streets. On Saturday night, all the shelters in Hamilton were full. That is the sheer reality that the mentally ill and disabled are facing in my city and across the province. Minister, I hope to God we don't have to wait for someone to die on the street before you act.

I made a very simple request. The city has said that \$240,000 in emergency assistance would give them enough to cover this for the winter, would give enough to ensure that nobody gets turned away from a second-level lodging home, that no one gets turned away from the home who needs its help.

Again, very simple, very clear: will you commit today to the \$240,000 so no one gets turned away from one of these homes: people who need your help and are looking to you to protect them?

**Hon Mrs Elliott:** In response to my colleague across the way, we have increased the per diem for domiciliary hostels by 16% to \$40 a day, adding another \$7.6 million in provincial subsidy to try and address that concern.

With regard to the Hamilton situation, I understand that there are 100 units under the homelessness phase one and 93 under the homelessness phase two program, for a total of 193 homelessness housing units. There is an organization in position to take up some of the individuals who may be displaced in this particular situation. So I can say to my colleague across the way that we have been trying very hard to address this situation. We have already taken steps to try and address this very matter.

#### DRINKING AND DRIVING

**Mr Garfield Dunlop (Simcoe North):** My question today is to the Minister of Transportation. The holiday season is fast approaching, a time when family, friends and co-workers gather together to celebrate our holidays. All too often, these holiday gatherings turn into tragedy



because there are still those who drink, get behind the wheel and drive: a deadly combination.

Despite valuable efforts from organizations such as Mothers Against Drunk Driving, Ontario Students Against Impaired Driving and the Ontario Provincial Police, drinking and driving remains the principal cause of criminal death and injury in our province.

Minister, clearly the message is not getting through to everyone. Perhaps selfish drivers who continue to drink and drive without any concern for other people's lives will be concerned about the consequences they personally face. Minister, what can drunk drivers in this province expect to face when caught by our police?

**Hon Norman W. Sterling (Minister of Transportation):** A lot of people who are caught driving after they've been drinking think a suspension will come in place and they are not aware of the heavy financial penalties that they pay as well. Normally, the fine is anywhere from \$600 to \$2,000 on the first offence. Court costs range anywhere from \$2,000 and up for a lawyer. There's a mandatory remedial program which costs the sentenced person over \$500. There's a licence reinstatement fee of \$100. Now, under the ignition interlock, thanks to Garfield Dunlop, there's an additional fine of \$1,140. In addition, we have learned from the insurance industry that insurance rates go up \$3,000 a year for three years as a result of an impaired driving charge. That totals \$13,000 for an impaired driving charge. People in this province shouldn't drink and drive.

**Mr Dunlop:** Minister, it is reassuring to know that there are still financial penalties for this reckless offence, as there should be, but perhaps not all drunk drivers are concerned about the monetary penalties. For some, the only answer may be to get them off the road. What has your ministry done to get these safety hazards off the road and, to the greatest extent possible, prevent them from getting behind the wheel drunk again?

**Hon Mr Sterling:** I mentioned in the first question what the financial penalties were. The other penalties of course are the suspension of the licence on the first conviction, one year; on the second conviction, three years; and the third conviction is a life suspension. Also, there's a 90-day administrative driver's licence suspension. In other words, the licence is taken right away from the person on their blowing 0.08. As well, there is vehicle impoundment for those caught driving while suspended if they had a conviction for impaired driving before. And as I said in the previous answer, there are mandatory in-car breath screening devices installed in vehicles upon licence reinstatement, at the cost of the person who has had their licence taken away.

Perhaps the most cogent reason for not drinking and driving is the life that somebody can save by not drinking and driving.

#### ONTARIO SCHOLARSHIP AWARDS

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** My question is for the Min-

ister of Education. Recently I've been contacted by a parent who has been told by a Ministry of Education regional staff member that the Ontario scholarship program is being discontinued. Students who are graduating from secondary school after grade 12 do not qualify for consideration for an Ontario scholarship. One parent wrote to me to say, "Although Ontario scholars receive a certificate and no financial award, I believe that the recognition by the province of academic achievement of students in this manner is very important."

Minister, would you please confirm for the students of Ontario who will be graduating from grade 12 this year if your government will continue to recognize those students with honours achievement by awarding them an Ontario scholarship?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I would certainly take that issue under advisement and I will respond appropriately.

**Mrs Dombrowsky:** Minister, students in schools are beginning to prepare for their post-secondary experience. On the Ministry of Education Web site today, policy memorandum number 53, which talks to the Ontario scholarship program conditions of award, very clearly describes the requirements for students to be considered Ontario scholars. Students must obtain an 80% average in Ontario academic courses and they must be recommended by their principal. You would know that this year students who would graduate from grade 12 would have no OAC courses and therefore would not qualify.

Students and schools need to know as soon as possible if this program will continue to be offered for students in Ontario. It's very important to students, to their teachers, to their parents and to people in our communities. So I would ask if you would double your efforts to ensure that this kind of information gets to the school communities and particularly to our students who have worked so very hard and who achieve very well so that they would understand—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Mrs Witmer:** I very much appreciate the question from the member opposite. I would certainly concur with her. I think we have every reason to be proud of the students in Ontario. If we take a look at the international testing results, I think we're seeing that our students are performing better at the international level than ever before. I think we owe a huge debt of gratitude to the students themselves, but also to the teachers and certainly the very supportive families. I can assure the member I will have additional information.

#### FISHING

**Mr John O'Toole (Durham):** My question is for my good friend the Minister of Natural Resources. I know personally you have a very active role in promoting youth and other fishing opportunities. I believe these opportunities are very important, as fishing plays a significant role in the recreational life of my riding of

Durham. Your actions have made a difference. I can say that for sure, as I participated with my constituents on Kids' Fishing Day.

I understand there was a national meeting held recently with representatives from other provinces and predominantly non-governmental organizations. Can you inform James Gilchrist of Peterborough and each of us what the intent was of this meeting?

**Hon Jerry J. Ouellette (Minister of Natural Resources):** I thank the member for Durham for the question. A large number of organizations came together from all across Canada, which included provincial organizations, national organizations, non-government organizations and representatives from the various ministries within each of the jurisdictions. They were brought together to review how we can better put together future plans for fishing activities here in Canada, such as National Fishing Week or the family fishing weekend, or moving forward on such things as national retail advertising. I'm sure a lot of people have seen the advertising that has come forward to promote that, because it's very significant. I know for example that fishing in the region of Durham, in the member's riding, represents about \$75 million annually in income, which is very significant.

1520

This meeting was designed to discuss issues such as access and changing society's attitudes on immediate gratification and fast food. I just want to commend and thank Rick Amesbury and all the people involved for their hard work in putting the meeting together.

**Mr O'Toole:** On behalf of not just the youth but indeed all outdoors people—to see a leader like you as minister in this area is reassuring.

Minister, I know that you pushed the representatives from the other provinces and territories for a Canada-wide fishing initiative. What is it that you and your ministry are doing specifically to promote fishing, not just in my riding of Durham but indeed across the province of Ontario?

**Hon Mr Ouellette:** Ontario does have a family fishing weekend which usually comes around in July and it will continue on this year.

While I was in Halifax, I also was the lead person leading the other jurisdictions, provinces and territories to fully implement and endorse National Fishing Week Canada-wide, which was well received.

Not only that; we have recently opened the Chatsworth fish hatchery, which is going to provide 2.8 million fish annually to be released in Ontario at a cost of about \$6.5 million.

Annually with our partners, we release over 10 million fish, and we stock over 1,000 rivers, streams and lakes throughout Ontario.

As mentioned, we have a Kids' Fishing Day. There are other programs, which include streamside development.

Not only that; youth is the future in the MNR. MNR is going to focus on those individuals of today to make sure they're there for future generations.

## SAULT STE MARIE SAWMILL

**Mr Tony Martin (Sault Ste Marie):** My question is for the same minister, the Minister of Natural Resources. He knows that over the last couple of months we've had mills close. A sawmill closed in Kirkland Lake. We've had a mill close in Sturgeon Falls; we heard about that this afternoon. Another Domtar mill closed in St Catharines.

In the last couple of weeks we've heard Domtar announce that it's going to close its sawmill in Sault Ste Marie. This will throw 130 mill workers out of work. When you consider the ripple effect throughout the community, hundreds more hard-working people will lose their jobs too.

Closing the mill is bad enough. Now we learn that Domtar wants to ship the wood, and our jobs, to mills in other communities, maybe even ship the wood across the river into the States.

Don't let Domtar rub salt into Sault Ste Marie's wound, Mr Minister. Stand up for the jobs in the Soo. Stop Domtar from shipping away our wood and our jobs. Will you do that?

**Hon Jerry J. Ouellette (Minister of Natural Resources):** I know that any loss of a mill in any community in northern Ontario is very significant, and we take it very seriously. The member should know that my office is already trying to bring other investors forward who may be potentially interested in that specific mill. There are 50 employees who are going to be retained there, which is very significant, because some of the product that those 50 employees produce will support other mills throughout Ontario.

I don't intend to allow any fibre to leave Ontario. What will happen there is that we will talk with people in other locations to find out if there is a demand within Ontario. If we can retain that wood here, we certainly will.

**Mr Martin:** We're not convinced over here. We've seen what happened in Kirkland Lake. We've seen the effort that my colleague from Timmins-James Bay made there and you're still allowing them to ship that fibre. First you let Tembec ship Kirkland Lake's wood and jobs away. Now you're giving Domtar the same dirty deal.

Let me remind you that Ontario never wrote Domtar a blank cheque. We let Domtar harvest Soo-area wood because the company promised to build that mill and create all those jobs.

Read my northern lips, Minister: no mill, no jobs, no wood. Stand up for jobs in the Soo. Stop Domtar from shipping away our wood and our jobs. Will you do that?

**Hon Mr Ouellette:** This is a very in-depth question. He has mentioned Kirkland Lake in there. We met with the mayor from Kirkland Lake, and he wanted us to keep the workers working in the bush. Rather than have those extra 100 or 200 people unemployed in Kirkland Lake, the mayor asked us to keep it there and make sure that fibre flowed within the province of Ontario.

If I can keep people working in Ontario, I intend to do so. Domtar has been very active and has been working



very hard, and has offered the employees early retirement, relocation opportunities and severance and training opportunities to keep the people in the north. If we can help out in any way, shape or form, we will. First and foremost is retaining the fibre, and we will look for options in the best interests of the people of Ontario.

## POST-SECONDARY EDUCATION

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the Minister of Training, Colleges and Universities. In eight months, the double cohort will come knocking on our doors. You have underestimated the number of spaces by approximately 6,000. Your own report shows that 6,000 students won't have a place at a college or university by the fall.

We have discovered that you are holding conversations with the universities and colleges, asking them to consider not accepting non-traditional students—mature students, college transfers to universities and anybody looking for a second chance in life by pursuing a post-secondary education—because of the fumbling of the double cohort.

You had seven years to plan for this. You mismanaged it. Now, our students, including our adult and mature students, will not have an opportunity to pursue a post-secondary education. Minister, what do you say to these 6,000 students across the province?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** Point by point, we have not underestimated. We have planned for the 6,000 students. We have not just talked about these special arrangements we have with the colleges and universities; we had them last year and they worked out. They are ongoing conversations. It isn't discovered now; this is part of a long-term plan.

I will also say, I'm wondering if the member opposite is saying we shouldn't put first our own high school graduating students coming from our secondary schools. Is that what the member is saying: not Ontario students first? I'd like to know if that is her problem.

**Mrs Bountrogianni:** I think the minister should listen carefully. I was speaking about Ontario students. Twenty-five- or 30-year-olds are still Ontario citizens.

I will agree with you on one point: you did know, way back in 1995, the exact number. Mike Gourley, who worked for then-Finance Minister Ernie Eves, told him the exact number of double cohort students. You've recently had a report that confirmed Mr Gourley's numbers. Absolutely, you've known all along how many students will be graduating in the year 2003. You chose, for financial reasons, to ignore this. You chose to put your friends first and students last.

I was speaking about Ontario students of all ages who want to pursue a post-secondary degree. Don't twist my words; just stand up and tell us the truth. What are you going to do?

**Hon Mrs Cunningham:** The chair of the guidance counsellors for Ontario would refer to this question as one of the many double cohort horror stories.

This is what's happening to our young people. This is a critic, and she knows that the government's priority is to accommodate Ontario high school students. That's the priority. As a matter of fact, last year we were able to do both and this year we plan on doing both, but if you have to choose, you will choose a secondary school graduating student first, period.

## WORKPLACE SAFETY AND INSURANCE BOARD

**Mr Wayne Wettlaufer (Kitchener Centre):** I have a question for the Minister of Labour.

*Interjections.*

**Mr Wettlaufer:** I can't even hear myself speak.

**The Speaker (Hon Gary Carr):** Order. It's your own minister yelling, I might add. Members, please. The member for Kitchener Centre has a question. Sorry, member.

**Mr Wettlaufer:** Minister, the Workplace Safety and Insurance Board comes under your responsibility. I guess for about the last 10 or 15 years, I've heard from medium-sized and small employers in my riding—and I'm sure we've heard them all across Ontario—about the high costs of workers' comp. Many of them have said over the years—and I know they continue to say so—that they would like some kind of credit for reducing occupational injuries and illness and promoting overall workplace health and safety within their plants.

1530

I would like to know exactly what we've done. I know that we have a safety groups program in place, but I'd like to know a little bit more about it, whether or not the employers in my riding and across Ontario are receiving any benefit from it. What kind of an investment is it?

**Hon Brad Clark (Minister of Labour):** I thank the honourable member for the question. What he's talking about is the safety groups program.

*Interjections.*

**Hon Mr Clark:** They don't want to hear it, Mr Speaker. It's so typical. They laugh about these things. These things are so important for the businesses in the community.

The program that we have in place allows for safety programs to be developed right with the employers. The reality is, it creates experience ratings. As a result, if these businesses do things right and improve their occupational health and safety programs, it actually results in much lower premiums for themselves. Historically, we've lowered rates by 30% across the province. We eliminated the unfunded liability down to \$5 billion from the \$9-billion, \$10-billion or \$11-billion deficit that was there before. Incidentally, it was the Liberals who took that unfunded liability from \$2 billion to \$9 billion. We'd like to remind them of that.

At the present time, the employers are working with the WSIB, lowering their lost-time injuries and, as a result, lowering their premiums.

## PETITIONS

### LONG-TERM CARE

**Mr Alvin Curling (Scarborough-Rouge River):** I've got a petition here that is addressed to the Legislative Assembly of Ontario. It reads like this:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

Thousands have signed this. I'm going to give this to Theresa to take to the desk.

### HEALTH CARE

**Mr David Christopherson (Hamilton West):** I have almost 7,000 signatures protesting the closure of the Chedoke hospital site and the closure of the addictions rehabilitation services, effective tomorrow. Shame on the government for that. These petitions are calling on the government to reverse both those decisions and do it now. The petition reads as follows:

"Whereas the Hamilton Health Sciences intends to close programs at the Chedoke hospital site and eliminate vital community services such as the young adult complex continuing care, addictions rehabilitation and outpatient physiotherapy programs;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We ask the Legislative Assembly to reverse these decisions and keep these valuable programs in our community" of Hamilton.

I proudly add my name to the list of thousands of Hamiltonians who are saying to the government, "Don't make these cuts."

### ASSISTIVE DEVICES PROGRAM CENTRE

**Mr John O'Toole (Durham):** I know my constituents are watching as I read this petition.

"To the Legislative Assembly of Ontario:

"Whereas a proposal for the creation of an ADP regional vision centre, sight-enhanced and sight-substitution, was made to the Ministry of Health on August 19, 2002; and

"Whereas the proposal was made by a registered ADP vision authorized with the MOH"—Ministry of Health—"who prepared a 26-page report; and

"Whereas the proposal demonstrates the need and benefit that would be derived from such a centre for the people in Durham who are low-vision, blind and perhaps blind and deaf; and

"Whereas ADP centres are more numerous west of Toronto, in the close proximity of Hamilton, Waterloo and the 401, this same privilege should be afforded to the eastern regions instead of coming into the hard-to-reach centres in Toronto; and

"Whereas clients, ophthalmologists, school boards, families, communities and employers want a regional ADP centre in Durham and surrounding areas;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to:

"(1) Approve the proposal for an ADP centre in Durham region as submitted by Deborah Wilson on August 19, 2002, on this date, December 3, 2002;

"(2) Undertake to further enhance access to ADP services east of Toronto, with Durham Region Vision Centre Inc."

This is signed by Susan Para and Nancy Diamond, the mayor of Oshawa. A number of people have signed and authorized this document, and I am presenting it to Anthony, who is from the riding of Oshawa.

### NATURAL GAS RATES

**Mr Michael Gravelle (Thunder Bay-Superior North):** Over 1,500 of my constituents have asked me to read this petition to remind the government that they are expecting it to overrule the Ontario Energy Board approval of the retroactive delivery charge that Union



Gas has put forward. We're hoping the government review of the OEB will accomplish that.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship"—right now they're saying they will be collecting as of January;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

Some 1,500 people have signed this. I'm very grateful for their tremendous efforts. Hopefully the government will listen. I'm very pleased to add my name to the petition.

#### MEDICAL REVIEW COMMITTEE

**Mr Peter Kormos (Niagara Centre):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the OHIP schedule of benefits is often unclear about its definitions of good medical practice for many serious medical conditions: general checkups, re-checks, psychotherapy counselling and often major illness care by specialists. The medical review committee of the College of Physicians and Surgeons has been aggressively clawing back payments to hard-working, conscientious doctors on the basis of these flawed definitions and skewed statistical analyses.

"We, the undersigned, request the Minister of Health to suspend further reviews by the medical review committee; return the monies with its penalties, pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

I have affixed my signature as well.

#### CAT SCANNER

**Mr Ernie Hardeman (Oxford):** I have a petition that's signed by a great number of constituents in the city of Woodstock and the county of Oxford. It's addressed to the Legislative Assembly of Ontario.

"Whereas various local partners have contributed capital funding for a CAT scan to be purchased by the Woodstock General Hospital; and

"Whereas a CAT scan is an essential piece of equipment for the practice of modern medicine; and

"Whereas a CAT scan is standard equipment for a hospital of this size in North America; and

"Whereas all hospitals associated with a city the size of Woodstock in southwestern Ontario have at least one CAT scan except for the Woodstock General Hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care approve the placement of a CAT scan at Woodstock General Hospital and provide the hospital with necessary operating funds to continue with its use."

I will attach my signature to this, as I totally agree with it.

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#### HIGHWAY 69

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario and it deals, again, with the multi-laning of Highway 69.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas over the last three years 46 people have died tragically along that stretch of highway; and

"Whereas so far this year 10 people have died between Sudbury and Parry Sound in car accidents; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I proudly give this petition to our page from Sudbury, Michael Schonberger, to bring to the table, and together we encourage everyone to drive very, very carefully along that stretch of highway.

#### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** My petition reads:

"To the Legislative Assembly of Ontario:

"Whereas Bill 77 passed second reading on June 28, 2001; and

"Whereas Bill 77, the Adoption Disclosure Statute Law Amendment Act, received committee hearings in November 2001; and

"Whereas Bill 77 addresses privacy concerns for those who wish to avoid or delay contact; and

"Whereas adoptees are dying from genetic diseases in the absence of their family medical history; and

"Whereas birth mothers were never promised confidentiality;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately call Bill 77, the Adoption Disclosure Statute Law Amendment Act, for third reading and final vote."

I will of course sign my name to this petition, because I fully support it.

### WATER TESTING

**Mr Ted Arnott (Waterloo-Wellington):** I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas Pine Meadows is a retirement community of 195 homes;

"Whereas Pine Meadows is self-contained with its own drinking water system and its own sewage facility;

"Whereas Pine Meadows' water supply was classified as excellent and high quality by the department of health;

"Whereas prior to the Walkerton concern, Pine Meadows' costs for water testing were \$40,000 per year;

"Whereas the current costs amount to \$88,000 per year;

"Whereas individual residents in Pine Meadows are charged \$451 per year for these multiple tests;

"Whereas Pine Meadows is being penalized to a greater extent than larger surrounding communities, eg, Fergus, Guelph and Kitchener;

"Whereas residents of Pine Meadows are living on fixed incomes;

"Whereas residents of Pine Meadows can ill afford the unnecessary cost escalation;

"Be it resolved that we, the undersigned, request the Legislative Assembly of Ontario to limit the number and frequency of water testing procedures occurring upon an already healthy water system."

### NATURAL GAS RATES

**Mr Pat Hoy (Chatham-Kent Essex):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy

directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

Hundreds and hundreds of individuals have signed these petitions from all across the riding, in such places as Wheatley, Tilbury and Harrow.

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; ...

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I'm in full agreement and will sign my signature to this petition.

### LONG-TERM CARE

**Mr John Gerretsen (Kingston and the Islands):** I have a petition here addressed to the Legislative Assembly of Ontario; it deals with the increase in co-payments in long-term-care facilities.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% over three years or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and



"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

This is signed by a number of people in London and Milton. I agree with it, and have signed my name accordingly.

#### NOTICE OF DISSATISFACTION

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Speaker: Pursuant to standing order 37(a), I wish to advise the House of my dissatisfaction with the response of the Minister of Public Safety and Security to my question today, Monday, December 9. The reason for my dissatisfaction is that he did not answer the question nor the supplementary.

**The Speaker (Hon Gary Carr):** Hopefully, you will file that.

#### ORDERS OF THE DAY

##### ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS), 2002

##### LOI DE 2002 SUR L'OBLIGATION DE RENDRE COMPTE DES DÉPENSES (MINISTRES ET CHEFS D'UN PARTI DE L'OPPOSITION)

Resuming the debate adjourned on December 5, 2002, on the motion for second reading of Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.

**The Speaker (Hon Gary Carr):** Further debate.

**Mr Mike Colle (Eglinton-Lawrence):** I welcome the opportunity to speak to Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons. I think this is a good opportunity to speak about the bill, what's in it and what's not in it. I just want to say that basically this comes out of the disclosure that the former Minister of Tourism was found

spending extravagantly on hotels, steak dinners and so forth and other things were happening. Expenses by ministers were not being accounted for. There was no transparency. Through the freedom of information process, the member from Windsor, Sandra Pupatello, found out that these ministers were spending way beyond the norm.

As a result of this, the government is trying to say "Well, we're going to check this." But this bill, in trying to check expenses, seems to be targeted more as a thing of getting back at the opposition for discovering these exorbitant expenses.

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Interestingly enough, in this legislation the expenses of former Premier Bob Rae are included for scrutiny by the Integrity Commissioner, and so are the expenses of former Liberal leader Lyn McLeod. Yet oddly enough, the expenses of cabinet minister Cam Jackson, who was the one who purportedly spent lavishly, are not included in this because he's no longer a cabinet minister. So he's exempt from this act, as is Premier Mike Harris, who was in government since 1995. This act obviously omits a number of members of the government or former members and tries to essentially go after the opposition side.

I would hope that the government perhaps gets rid of the accusation that this is meant just to bring an accountability chill over the opposition, and that they will include former Premier Harris in this, and all former cabinet ministers on the government side, if they're serious about transparency and accountability. So we will see what happens with that.

Day after day we've seen incredible disclosures about what expenditures are actually filed by government members and are basically paid by the taxpayer. These are things like Smarties, movies—it just goes on and on. It's almost the type of thing—if it weren't so difficult for taxpayers trying to pay their bills, if they were to see what their money is being spent on they would be outraged. Filing after filing indicates that things are not taken very seriously when it comes to filing expense accounts. You wonder who they are thinking of.

We've got one MPP, who is a parliamentary assistant, who spent \$862 on a Palm Pilot and charged the taxpayers. Another MPP, a parliamentary assistant on the government side, charged \$178 for office supplies and to the Legislative Gift Shop for a mug, a souvenir plate, a glass. Former transportation minister Turnbull filed expense reports for food and alcohol at the Albany Club. Former transportation minister Brad Clark billed taxpayers for flowers. Dan Newman, when he was Minister of Northern Development, charged bulk candy purchases: \$23 for Smarties, \$16 for chewing gum. These are the types of things that are being charged to the taxpayer by members of the crown and parliamentary assistants.

I think something has to be done more than this government is doing to put a stop to this. We just see time and time again where it is impossible for the taxpayer to get at this information. They hide behind freedom of information where the taxpayer or the opposition

has to pay money to get the information the government has. This is public information, and they are charging the taxpayers thousands of dollars to find out what their money is being spent on. So the government reluctantly tries to block this information and charges so much money that the average person can't afford to find out where their tax dollars are going. This has been going on for years. For the last seven or eight years there has been a pattern of blocking information, and that's why they wanted to block it. When you're spending this kind of money on things like Smarties and everything under the sun, you know why they did not want the public to know this stuff. That's why they charge money to find out where the money is being spent. This government has again gone out of its way to make it impossible in some cases to find out information about what these ministers are spending.

One of the areas that's very obvious too: you find out that the ministers here have spent \$676 million on consulting companies. These are government tax dollars that are supposed to be transparent and there's supposed to be due process, yet these contracts are being let out. As the auditor says, the Provincial Auditor whom they're attacking because he told the truth, not only are these contracts exorbitant—and these are just the same thing as other expenditures of government money. Here's a case where the Management Board, which is supposed to be in charge of the other ministers—in August 2001, a consultant was paid \$14,000, twice for the same invoice. In another case, the Management Board permitted a consulting firm to significantly increase its rates for two of its consulting staff for a period of time. Then this government allowed one consultant to raise his rates—he raised his own rates; this is the consultant—from \$725 a day in April to \$1,800 a day in May to \$2,600 a day in September. This is what the consultants do. This is how seriously they treat taxpayers' money. It is just scandalous.

There are examples over and over again by the Provincial Auditor, who basically says that this is totally out of control; \$672 million spent by this government in expenditures that are impossible to get at. So if the public wanted to find out about these contracts, they could not. In fact, these contracts haven't been released, but the auditor—thank God for the auditor—has been able to get to these contracts and saw the gross waste of money that this government has perpetrated on the taxpayers of this province.

Over and over and over again we've got blatant examples of expenditures by ministers. The ministers are supposed to be in charge. I'll give you some other examples. This is the finance ministry. A math error in the finance ministry saw two financial advisers both get contracts for \$681,000. This was a \$681,000 math mistake made by the Ministry of Finance.

Then we see that another consultant was given a contract for \$3 million under the SuperBuild fund, a price which was double the lowest bid submitted for the work. So someone who bid \$1.5 million didn't get the contract.

The person who bid \$3 million got the contract. Why did that contract, twice as much, get the approval? These are the ministers, and that's why if you look at their expenses—and I think what they pay consultants should be included in this bill, because right now it's a free-for-all for consultants. They look at the ministers of the Ernie Eves-Mike Harris government, and the consultants all across this country smile because Christmas has come early and often for consultants from Santa Claus Ernie Eves. They have given these people blank cheques over and over again, whereas if you're a principal in a school trying to get your roof fixed, they say they have no money. If you're a senior who's in a nursing home, well, you have to get a 15% increase. They have no money to help seniors or kids in schools with leaky roofs, but if it comes to consultants, "Whatever you want." They even get twice what they ask for.

Look at another one. At least 15 senior consultants were paid \$1,200 a day to supervise other consultants. A senior civil servant performing the same job would have been paid \$340 a day.

If you look at what these ministers and their parliamentary assistants are spending on Smarties and Palm Pilots and dinners at the Albany Club, you'll see that they don't really care who gets the money, where it's spent; it is totally out of control. That's why when this government comes forward and says it wants an Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons, well, there is a whole area where they're spending literally a billion dollars a year on consultants under the sole control of these ministers. There is no scrutiny. There are no rules.

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Then if you try and get the contract—we've asked the minister responsible for all these contracts to make the terms of these contracts worth \$676 million public, to put them on the table. He refused. Why does he not want to put these contracts worth \$676 million on the table? He knows why he doesn't want to: because the Provincial Auditor, who has looked at some of them, is scandalized. The press has said that never in the history of this province has a Provincial Auditor found such gross mismanagement, such free spending without tender, without contracts. That's why there are all these expenses and why they don't want to really tighten up on this kind of stuff. They're pretending now, "We're going to go after the opposition leaders; we'll show them," because they don't want us to raise these issues. They don't want us to get at contracts they've signed. They don't want us to get at how much money they really spend as ministers and parliamentary assistants. They're trying to keep it all hidden because there's a lot of dirty linen there, folks. There's \$676 million that they tried to hide from the public.

Here's another example the Provincial Auditor found on how they control their expenditures. "At both the Ministry of the Environment and the Ministry of Public Safety and Security, we found numerous examples of



payments to consultants that were made without a valid contract in place to indicate the terms and conditions of the consulting arrangement or exceeded the ceiling price of contracts. In one example, we found that payments totalling \$760,000 made by the Ministry of Public Safety and Security to a consulting firm were not supported by a formal agreement." So you can imagine giving someone a contract for \$760,000 without a formally signed contract. This is the government that's pretending now to clamp down on expenditures by all members of this House, supposedly, especially cabinet ministers and the opposition leaders, yet in here there's not a mention of consultants, where they have given systematically, untendered, without competition, with no watchdog, \$676 million of money that comes from the pockets of Ontario taxpayers that could have gone to build better roads, better public transit, better housing and better health care. Instead, they have thrown away \$676 million.

I challenge all the ministers here: if that money was well spent, show us all the contracts. If you show us those contracts for \$76 million, we'd then like to have a real debate on whether you got value for money. We know the Provincial Auditor has basically said in his report that you did not get value for money. This is not the opposition saying it. This is not the media saying it. This is the independent auditor of the provincial Legislature who does not report to government; he reports to this Legislature. As an independent auditor he has slammed this government not only for not getting value for money, but basically for not having or not obeying any rules when it comes not to \$1,000 or \$10,000 or \$10 million or \$100 million; basically there are no guidelines.

So when this government now says that they're going to put in some guidelines, I ask them why there are no guidelines here on what ministers expend not on their Smarties, not on their bills at the Albany Club; I want to know why there are no guidelines in this bill for \$676 million in consulting contracts, which are very clear in the auditor's report. It's very clear that essentially there is a free-for-all here. It's not just one ministry; it's ministry after ministry. The ministry in charge, Management Board, is the worst of all. They're the ones who are supposed to be the watchdog for the other ministries.

I don't think that in this province we have ever seen an indictment of the free-spending ways of a government—and not only free spending. Basically a lot of these contracts were done improperly or were given mistakenly, without following their own rules. They did not follow their own rules.

Time and time again we have examples of a government totally out of control when it comes to spending. Do you know why they can do it? Because they can assign these contracts behind closed doors. The Legislature never sees these contracts. They're never reported in any minutes. The public ask me, "How could you ever vote on these contracts?" Well, we don't vote on the contracts because these contracts are signed by ministers behind closed doors. That is frightening.

We saw today where one of the big consulting firms in Ontario, Enterprise Canada, got \$3 million worth of

contracts, among other things. Then they found out they were working the other side of the table with the energy firms, advising the energy firms and then advising the government. How can that be value for money when you've got one company hired by the government to advise them on energy policy—like hydro and natural gas—and they're also working for Direct Energy and private firms on the other side? This is a blatant conflict of interest because it points to the lack of any kind of scrutiny.

I think the root of it is that all these contracts are never going to see the light of day. This ministry, this minister and the government are refusing to let us see those contracts, because they would be ashamed. They know that the public would ask for their heads if they ever saw who these contracts went to, how they got them, and that they were refusing to let them be made public. It's just glaring.

You've got an editorial here: "Ontario betrayed by ballooning fees."

"The most obscene example of ignored warnings comes from the very ministry that has nickel and dined welfare recipients for years.

"Peters"—the Provincial Auditor—"returned again this year to the issue of government fumbling over consulting contracts to private companies. The practice has ballooned from \$271 million in 1998 to a whopping \$662 million this year." It's just incredible.

Then you have situations where civil servants are let go or fired, as they were in the Ministry of Public Safety—40 of them were let go—and then they get rehired, in another case, at twice the amount of money. This is incredible. They're paying them this salary, they get fired, and then they get rewarded and come back as consultants. This is a total, flagrant example of how out of control it is.

"In the truly absurd category, how about the 15 consultants hired to supervise other consultants, at a daily rate of \$1,200. A salaried senior civil servant"—again, he was paid 340 bucks. The civil servants who could do the job get paid one third or one quarter of what the consultants do.

The other great one, which has been going on for about seven or eight years, is Andersen Consulting. This government has signed—I guess the contracts must be worth over half a billion dollars with Andersen Consulting. They have been claiming they're doing all these savings, but Andersen Consulting, which is now called Accenture, is supposed to be revamping its computer system. The government, in awarding these contracts to Andersen Consulting, doesn't even obey its own rules. The money they're paying them is totally obscene. They don't even know whether they're getting any value for this money, but Andersen Consulting says, "Oh yes, we did such a good job at Enron, we're going to do a great job for the province of Ontario too." They're still hiring this company, which is an offshoot of Enron. They give Enron a bad name, I think, the way they're hiring this group.

Over and over again, we've got all kinds of examples of a government that allows ministers to hire consultants without any kind of rules. And they don't come cheap. The contracts range anywhere from \$25,000 to tens of millions of dollars, and in the case of Accenture, almost half a billion dollars in contracts. There are no rules. In many cases, there are mistakes. In many cases, the one that offered the lowest tender doesn't get it, or the one that offered twice as much gets it over and over again.

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And then they have the gall to defend this. They think that it's all right for them to have this unfettered right to sign these secret contracts with consultants without any legislative scrutiny. I even challenged them at the public accounts committee to put these contracts on the table. They won't. Put them on the table of this House so we can see them. They will not table the \$676 million worth of contracts, because these contracts are a true abuse of power, an abuse of their control over these accounts. It is just beyond the norm, over and over again: hundreds of consultants paid salaries two to three times higher than the salaries of ministry employees; 40 Ministry of Public Safety employees returned at twice the salary; a contract not to exceed \$25,000 going on for three years to a total of \$455,000.

These ministers in this act are saying they now have this really tough act—they're going to cut back on their own ministers; they're going to cut down the opposition. But they don't have one word about the hundreds of millions they tender out to consultants. That is what is missing in this, because that's a lot more damning than what is happening in the other. It's damning to see what is being spent on restaurants and trips, what is being written off supposedly as government expenses, dinners and booze all over the country, all over the world. They say, "We're going to check that," but I don't believe them. If they're not including any checks on how they pay consultants, I don't think they're going to be watching their own people. They'll keep an eye on the opposition, because we raised this in the House, and they're trying to say, "We're going to watch you now too." Let's see them make these contracts public.

The most galling thing of all—here's a \$1.7-million contract issued by one ministry without any competition. SuperBuild, the ministry in charge of building: a \$681,000 adding mistake. Over and over again, we've got blatant examples of a government that is totally out of control.

We see, day in, day out, that there's essentially one rule for everybody else in this province, who have to tighten their belts and watch their expenses. If you're marginalized or poor or sick, they come after you and make sure you pay up. But if it's consultants' contracts or expenditures of ministers, there is no tightening of the belt; there are just gross expenditures daily. To spend \$676 million, you have to have a whole sophisticated system of this kind of spending.

It's every ministry that's doing it and getting away with it, basically without any rules. The Provincial

Auditor said this is just the tip of the iceberg. We challenge every ministry—

**Hon Brad Clark (Minister of Labour):** Why did you say "every ministry" if he didn't look at every ministry?

**Mr Colle:** If he looked at every ministry, we would find hundreds of millions more dollars. If the Provincial Auditor had the time to look at every ministry, we'd probably find twice as much. But the other contracts will never see the light of day either. So you can imagine if you're in a small municipality or a small company—this is the public's company, and we can't even see these contracts that were signed. Who signed the contracts, for how much, to whom did they go and what work did they do? The astonishing thing would be to see how much value we got for \$676 million. And if you try to get the information, you have to pay for it. Over and over again, we've got expenses by ministers and parliamentary assistants. It was like a free-for-all, like a drunken bunch of sailors who had the ability to tap into the government treasury.

This is a province that's been saying to people, "We have to be frugal. We have to tighten our belts. We don't have money for schools. We don't have money to provide for the elderly in their nursing homes." Only one bath a week in nursing homes, yet they find hundreds of millions, probably millions every day, for contracts and expenditures by ministers. And look at the expenditures. We've seen it over and over again. If you look through what has been spent by ministers and parliamentary assistants, it is just beyond the pale and it goes on over and over again. Bar tabs; hotels, 16 times; the Royal York; Ruth's Chris Steakhouse; putting money on the tabs of the bureaucrats; trips to Japan, Arizona, Chicago by Premier Eves; Paris, France. There's no limit if you go over it. Then you go over what the parliamentary assistants and the ministers have spent: \$130,000, Minister Wilson; \$50,000, Rob Sampson; \$41,000, and on and on and on, all on the taxpayers' tab. Smarties, cocktails—there's no limit to it, whether it's hundreds of millions of dollars for consultants or even putting Smarties on a tab. That's incredible.

Here's a politician who went on a trip, and even the fee for his passport—the Minister of Labour, who is here, put 60 bucks for his Canadian passport in anticipation of a business trip to Rome and Siena for a mental health conference. So he put \$60 for a passport on his tab, a personal tab for a passport.

The Minister of Northern Development purchased, at the taxpayers' expense, the book *Podium Humour*, \$19; he put it on the taxpayers' tab. He purchased *A Dictionary of Important Theories*, \$24, on the taxpayers' tab.

There was another minister and a senior aide last July who went on a trip to Zurich, Munich, Newcastle and London, England. They billed their flights for \$11,000. There's no limit to the expenditures.

Now they say, "We're going to tighten up." The only reason they're going to tighten up or try to tighten up or pretend to tighten up is because they got caught, and they got caught because the opposition did their digging. They



tried to shut up the opposition; they tried to make sure the opposition didn't get this information out. The Provincial Auditor has said that these guys not only spend on their personal accounts, but as ministers they're spending hundreds of millions of dollars a year giving to their friends without tender these fat consulting contracts that they refuse to make public. I again challenge this government to table every one of those contracts with consultants. Let's see what you spent that \$676 million on. I would like that to be made public as soon as possible.

**Mr Dwight Duncan (Windsor-St Clair):** I'm pleased to join the debate on Bill 216, the Accountability for Expenses Act, 2002. Let me begin by saying that the official opposition welcomes greater transparency and accountability in expenses filed using taxpayers' dollars.

The member for Brampton Centre, Mr Spina, was just heckling my colleague Mr Colle, and I would remind Mr Spina that he spent \$86,782 as a parliamentary assistant, not even as a minister. The Chair of Management Board was yelling at us, "Release your expenses." We do that every year, and it's detailed line for line. There are reporting accounts out of here every year and I'm quite happy to do that. I say to the Chair of Management Board, I in fact spent every penny of that budget on my constituency office, on providing services for my constituents and doing the routine business of a member of provincial Parliament.

This bill does in fact provide greater accountability but it is flawed in a couple of areas, and I'd like to use some of my time to address that. Certainly, as we reflect on this bill, the expense abuses of Mr Jackson and others show how out of touch the Eves government is with the people of this province. We want to make sure that this bill actually does what the government says it's going to do, because they're great at promoting a bill saying it'll do something when in fact it doesn't do that. Certainly in a couple of areas it falls short, and I'd like to review those for a minute.

1620

Former ministers, those who are no longer in cabinet, and former parliamentary assistants from June 26, 1995, to present day, are exempt from releasing this. Who are those people? Well, the biggest name is Mike Harris. Who was Mike Harris? This government likes to pretend that he was never here. They like to talk about a different way of doing government than they were doing, but the fact is they exempt that. The truth is, they're not fully FOIable and, for those listening, that's a freedom of information request. That process, as we have seen, is subject to flaw, it is subject to misinterpretation and it's subject to false information. For instance, last week—

*Interjections.*

**The Acting Speaker (Mr David Christopherson):** Order. I can't hear the speaker. All right. It's Monday. Everybody is looking toward the end of the week, but I'm going to ask you to just kind of tone things down a little bit, please. Give the member the respect that he's entitled to. Sorry for the interruption.

**Mr Duncan:** Last week, the Chair of Management Board, in responding to a question that I had placed with

respect to expenses, answered by citing expenses from the Ministry of Labour in 1988 and 1989 and saying that I was employed there at the time, when in fact I wasn't. That is just one example of how those freedom of information requests can be exploited, blacked out and so on. So we have the bizarre situation that the expenses of a former Premier and former leader of the NDP, Mr Rae, must be tabled, but those of the former Premier who was a Conservative Premier, Mr Harris, do not have to be, fully for seven years.

Oh, another time allocation motion was just tabled on this bill, and let's see what this says. Are we going to have third reading debate? No, I don't think so. No further debate at such time. No third reading debate, no committee hearing. Interesting: this is the only government we can find in the history of this great province that's had to do time allocation on bills that all three parties support, and that's in the face of a relatively light legislative agenda. We've had a number of bills of course where they've had to, for instance, repeal their entire energy policy. We had the spectacle of this government repealing a major section of a budget bill—the pension. That's when they wanted to allow employers to grab surplus pensions. After prodding from the opposition, they finally withdrew the offensive part of the bill, a major part of the bill, a budget bill, which shows that this government in my view doesn't even have confidence in its own ability to govern. That's one of the many reasons why none of us should have confidence in this government's ability to govern, and that's why we are looking forward to the election that we are told the government is going to call probably toward the end of March. We look forward to debating these and other issues. We will be debating ethics in government as an important component of what it should be.

I was astounded in the course of my research over the last week when I discovered that a consulting firm that's being paid by the government to consult can be employed by private sector interests to lobby the same ministry that they're employed by. I say to the Chair of Management Board, in the interest of transparency and the interest of accountability, do what I asked you to do today and table those contracts so we can have a very close look at what they were saying and doing with the ministry versus what they were saying and doing with the private sector interests, who clearly wanted to—

*Interjection.*

**Mr Duncan:** Yes, here's a very good bill, Mr Bartolucci's Bill 2, An Act respecting Accountability for Ministerial Travel. I heard Mr Clark, the Minister of Labour, indicate that he was in Rome earlier and he expensed his passport. I and a number of us travelled, I should say—this is a matter of public record—with the Legislative Assembly committee this past spring. We were in Great Britain. We were in Scotland. We were in Wales. Do you know what? I had to renew my passport, and I paid for my own passport renewal. I wouldn't have billed that to the taxpayers. Hopefully, the Integrity Commissioner will see fit not to allow that kind of silly thing

to happen again. Passports are good for five years. If he did it this year and he's thrown out of office next year, which this government likely will be, he should at least reimburse the four fifths of the passport cost that he has charged off. It's a five-year passport so, in any event, he should do that.

We do know why the government exempted the parliamentary assistants who are no longer PAs: otherwise, they couldn't have got this bill through their own caucus. I can't imagine that a number of these people want to have their expenses released or least held accountable, the way Dalton McGuinty's are going to be. We welcome that, and I should say that very clearly. I know the third party welcomes that for its leader. We think that's a good process, and we think the idea of the Integrity Commissioner—although I must say we do need to talk about the Integrity Commissioner, his role in this Legislature and how that's going to work.

The government House leader has indicated a willingness to consider an amendment. There's one clause that allows the Integrity Commissioner to consult the government, the executive-in-council, but it doesn't allow the same consultation to happen with the opposition parties. Given that he is an officer of this assembly, we believe that he should be compelled to consult all three or any recognized political party, depending on how many there are in this House in future Parliaments.

There could be two parties. There may be a new mayor of Hamilton by this time next year. Any number of things could happen to change the political dynamic around here. I certainly know whom I'd like to see as mayor of Hamilton. Unfortunately, I am not a citizen of Hamilton and wouldn't dream of suggesting that—

#### *Interjection.*

**Mr Duncan:** No, but I am on the secret list of property taxpayers in Windsor. I'm on that secret list, but I'm not on the secret list in Hamilton.

**Mr Rick Bartolucci (Sudbury):** The preferred list.

**Mr Duncan:** The preferred list, yes, indeed. I wouldn't want to interject and suggest that any colleague in this House is particularly well suited for that job, but there's certainly one in this House who I think is. I, of course, would wish that colleague well—

**Mr Bartolucci:** I think he'll be good.

**Mr Duncan:** I think he'd be a very good mayor as well. Hamilton is a great city, I might add. Hamilton is very much like my hometown of Windsor. We have a working-class city, a large union component in our city which we're very proud of.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** They've got a football team.

**Mr Duncan:** Yes, and we do too. Ours plays on the other side of the border but we've actually had professional football longer than most parts of this country. My home, I should tell you—my home that's on the secret list; it's no longer a secret list—is actually closer to Ford Field than I would imagine the member for Hamilton West's home is to Ivor Wynne. We do enjoy

the benefits of living next to a large urban centre and all that goes with that.

I can't imagine in the state of Michigan a scenario like we have here in Ontario. I can't imagine a government of the state of Michigan repealing its electricity policy after it had been warned for four years that it wasn't going to work. I can't imagine that. The state of Michigan just elected a new Democratic governor, a Canadian-born woman who is a remarkably talented person, and they rejected the right-wing policies, the type we've seen coming from this government for the last seven years. I would suggest the people of Ontario will do the very same thing.

Again, I anticipate, and all my friends on the government side are telling me, that the election is going to happen at the end of March of next year. They're saying that. They're saying, "Get ready. Get your signs printed. We're going to come to an election." It will probably be called right before April 1. I would recommend and suggest the date might be April 24. The government backbenchers are saying that, so we fully anticipate that.

#### **1630**

This bill is an important step forward and we welcome it. We look forward to amendments that will provide for the coverage of Mr Harris, the former parliamentary assistants and the now former cabinet ministers. There could be obvious exemptions, I suppose, in certain circumstances. For instance, Mr Spina won't have to release or justify a single penny of the \$86,782 in expenses that he racked up between 1995 and 2002. My colleagues opposite are saying, "Dalton McGuinty should release his expenses." Well, we did. They were \$32,956. Let me tell you, that compares to Mr Spina's \$86,782. Mr Spina was the ninth-highest spender. He was exceeded only by cabinet ministers. That's correct: only by cabinet ministers. Even my leader was 30th on the overall list. So we'll release those detailed expenses. I should tell Mr Spina that Mr Stockwell has agreed to an amendment that would cover his expenses. We look forward to that amendment being brought forward in committee of the whole House, now that we're time-allocating this whole thing here.

We have to consider these expenses at this point. This is the last week that the House will be sitting. We are down to approximately seven or eight two-session days, perhaps a couple of midnight sittings which don't constitute sessional days. It's appropriate that in fact tonight we are addressing a bill that has been designed to somehow get the government out of a pickle. Mr Jackson had to resign earlier this fall as a result of his expenses. This bill is in direct response to that. Earlier today, third and final reading to Bill 210, the hydro bill, the bill that undid everything the Tory government has done over the last four years—a flip-flop of monumental proportions, one that's unparalleled, I think, in this. I've tried to reflect on similar situations. Yes, the NDP had their social contract, which represented a rather strange twist for that party. But this, this policy, in the face of very compelling criticism, right from the beginning—the gov-



ernment never did proceed with the Honourable Mr MacDonald's recommendations, someone for whom I have the highest regard. They never proceeded with that. They didn't listen. They bullied. They pushed things through as they've done on so many occasions.

What we've seen in this session: in addition to that, we've seen Bill 198, the government's budget bill, which had final passage today. That was a very interesting case. Part XXV of that bill, roughly I think 18 or 19 sections of the bill, gave employers the ability to reach into pension plan surpluses and take the surplus out. The government denied that was the case for a number of weeks, and under persistent questioning here in the House by my colleagues Mr Smitherman and the leader of my party, Mr McGuinty, with respect to that issue, the Minister of Finance, Mrs Ecker, just said, "No, you're wrong." Then she said, "No, you're wrong, but we're not going to proclaim the sections of the bill."

**Mr Joseph Spina (Brampton Centre):** On a point of order, Mr Speaker: We're debating Bill 216, not Bill 198. I'd ask that you remind the member of that, please.

**The Acting Speaker:** Sure, I'll remind the member. You are now reminded. Please continue. Thank you.

**Mr Duncan:** The bills are related. This bill, Bill 216, represents for the government an attempt to clean up, wash up, fix up a problem that they have—that they have—that was hidden from the public until we released it. In that sense, Bill 198 is another bill at the end of the session where the government had to clean up its own mess. The point I'm making, and the members opposite obviously don't want to talk about it, is that they had to repeal an entire section of their budget bill. That's unprecedented. Imagine that. Imagine the confidence convention of this place and other parliamentary institutions and the implication of that. This was after repeated questioning, after repeated opportunities offered by the opposition to do precisely what the government said it should do.

So this government is limping to the finish line on December 12, limping with a bill that reminds us of what happened earlier this year in terms of cabinet ministers' expenditures, and we finally will be trying to bring some semblance of order, accountability and transparency to a process, and all they're able to do is point fingers and say, "We want to see your expenses." Well, we want you to see them too, because we don't have anything to hide, and we want to see Mr Spina's expenses, we want to see Mr Mazzilli's expenses and we want to see Mr Harris's expenses for the last seven years, the same way we are being compelled to provide the expenses of our leader, which we are more than happy to do. We've already released the global figure for Mr McGuinty. We will comply by January 31 with the tenets of this particular piece of legislation.

Yet again we are faced, even as I am debating this bill, with a time allocation motion on this bill. I just want to again explain to those listening what time allocation is. That's cutting off debate, shutting down the opportunity for members to speak. There are about a dozen members

in the Liberal caucus, I suspect, who wanted to speak to this bill who will not have the opportunity now. That opportunity is gone because of this time allocation, this guillotine bill, this attempt to stifle debate, to limit the ability of members to participate in the discussion. What's particularly sad about it is that over the course of events—on the budget bill, they had to go to committee of the whole and then waive their own time allocation motion, because they had shut down debate on that and they wouldn't allow third reading debate.

Looking over the order paper for the last several months, we've had no third reading debate on most major pieces of legislation. Well, why have a third reading process if that's what you're going to do? What's particularly ironic about this is that again we have a bill which all three parties—perhaps I shouldn't speak for the third party; I believe we're all going to support the bill—can support, and they're time-allocating it; they're cutting off debate. That's because they don't want to be here a minute past the earliest hour on December 12, because that means they will have to answer more questions during question period and participate in the broader public debate.

So my colleague, and friend I might add, the government House leader, has the distinction of having introduced a number of time allocation motions this session on bills which all three parties support—absolutely unprecedented in this House or most other places. It would be funny if it weren't so serious. It would be funny if we weren't taking away the ability of members to speak on a bill, because that's what it does. People are elected and are sent here to represent people, and they don't have the opportunity to fully participate.

So transparency and accountability are themes in this bill. Those are the government's themes in this bill. I would challenge Mr Spina to release his expenses for those seven years, detailed invoices, and we'd be happy to explore that more. As I say, I've had indications from the government that in fact they're prepared to entertain a motion to that effect. Even if it's not, I would imagine a member would want to do that just to save us doing it by FOI—

**Mr Spina:** It's done.

**Mr Duncan:** I'd ask him to bring them forward if it's done, because we have not seen them yet.

So accountability and transparency are in fact major themes and ethics are a major issue in elections. Ethics are a major consideration that voters have when they go to the polls. I would submit that this government's ethical record is highly, highly questionable.

My leader, Dalton McGuinty, will bring a new level of ethics and competency to government that has been fully lacking for the last seven years. When we table his full, detailed expenses on January 31, I fully expect to see Mr Harris's expenses for the last seven years tabled. That would be really nice to see; to see those released as they're compelling others: Mr Hampton, Mr McGuinty, Mr Rae—poor Bob Rae. He's not even here any more, and they want to kick him around a bit more, which is

fine. I'm sure he'll comply. He has nothing to hide. I wonder why they didn't include Mike Harris's expenses here. I wonder why the Chair of Management Board didn't include former parliamentary assistants.

As I said, the government House leader has indicated a willingness to entertain an amendment. We will certainly put that amendment if given the opportunity. We'll seek to go into committee of the whole House, because right now we've just been given a time allocation motion, which means there will be no more debate at third reading, there will be no committee hearing on this bill. The cover-up continues on the Harris expenditures and others, which, even though they're FOIable, are certainly not easy to get at and are subject to, in my view, in my estimation, manipulation of the worst order, the kind of manipulation the Chair of Management Board said last week, when he said expenses incurred by the Ministry of Labour I was part of—

**Hon Mr Tsoubouchi:** You weren't part of the Ministry of Labour at all.

1640

**Mr Duncan:** In fact, I wasn't here then. In 1988, 1989, no; I was gone long from here. It's unfortunate that those things are subject to that sort of manipulation—interpretation, if you will.

But back to the themes of transparency and accountability. Another part of that theme this week was the auditor's report, which again deals with transparency and accountability. In addition to the scandal surrounding ministerial expenses, in addition to the flip-flop on energy policy, in addition to taking the pension section of their own budget bill out, in addition to jamming more legislation through this House with no third reading debate, no committee hearings, we now find out that the Provincial Auditor says the Harris-Eves government is wasting hundreds of millions of taxpayers' dollars: \$662 million on consultants last year, an increase from almost \$400 million in 1998. The government refuses to table the contracts. We've asked for those contracts. They won't table them.

Another set of contracts we've asked for—let's talk about transparency and accountability—is MFP. There's something going on here in Toronto right now, an inquiry into leases regarding computer equipment, police radios and so on. The government of Ontario has contracts for the very same thing with MFP, across ministries I believe. I don't have my notes in front of me, but the Sol Gen was the largest ministry having dealings with MFP. I've asked repeatedly for the government to release those contracts. We tried to get them under FOI and were denied. Why? Because of a third-party intervention. Well, I'd speculate that third-party intervention comes from somebody directly associated with the contracts, though we can't find that out. So again I say, if it's transparency and accountability you're interested in, table the MFP contracts as well.

We have a government in the last, waning months of its mandate, a government that has lurched from crisis to crisis this fall. I can't think of one achievement the

government has had, one item that the government could point to and say, "That's a victory," or "That's a win for us." We have seen a government brought down, and I say that the people of Ontario will remember all aspects of the record and the government's legitimate role in successes and failures in the past and will cast—I hope we get the chance to go to the polls. I know government members are saying it's going to be March. I hope we get to go to an election to determine these things. The government is doing everything it can to clear off every piece, every item on the order paper right now. I believe it's time to give the people a say, because we've all put our cases and we're getting to the point where we're repeating things. The last four months have probably been one of the most mismanaged sessions I've ever seen here, both as a member and watching from outside.

So it is time for an election. It is time for a new vision. It is time for new ideals and for new values. Dalton McGuinty and the Ontario Liberals represent the real and meaningful change there. We have laid out policies now with respect to education. We have detailed policies with respect to our communities. We have released policies with respect to a democratic charter that would see the kinds of abuses that we've seen in this House—things like this time allocation motion, which will prohibit third reading debate, will prohibit committee hearings on important legislation—restricted greatly from where they are right now.

I'm always reminded that previous governments, whether the NDP government of Mr Rae or the Liberal government of David Peterson or indeed the Conservative government of the great Premier William Davis, rarely, if ever, used time allocation—rarely, if ever.

**Mr Bartolucci:** Peterson used it twice.

**Mr Duncan:** Peterson used it twice. I believe Mr Rae was in the magnitude of 10 or 11 times. Mr Davis, with his mandates, both minority and majority mandates, rarely used the tool either.

You know, people often talk about the decorum in this place and why members do things that appear to be childish. Well, that's because we haven't got the ability to debate things properly. The whip for my party, Mr Bartolucci, who has a number of outstanding private member's bills on the order paper, has told me that about a dozen of our members would have liked the opportunity to discuss this bill. They won't get that opportunity.

It's a bill that, remarkably and regrettably, I suspect—and again, I shouldn't speak for the third party—has the support of all three parties. There have certainly been a number of instances earlier in the session when bills of that nature have had all-party support but have been time-allocated. As I say, I've never seen anything quite like it.

We are confronted by a government that is using the last few days of its legislative time to clean up a mess that it created, just as we spent the last three months. That's why Bill 216 is so similar to the hydro bill and the budget bill. It's a theme. It's about a government that doesn't lead. It's about a government that's bereft of



ideas. It's also about an opposition with new ideas, new leadership and a willingness to take over. It's about Dalton McGuinty being the next Premier of this province and providing the kind of leadership that has been sadly lacking on the other side of the House.

It's about new priorities for Ontario. It's about putting the interests of working families ahead of special interests, like Enterprise Canada. Isn't it amazing: we discover this week that a consultant who is being paid as a consultant by the government can in fact be paid by private sector interests to lobby the government via the same ministry. And again, they refuse to release the contracts. They refuse to talk about that. It's about a government that has the stench of rot to the core.

It's time for a change, and that change will be led by Dalton McGuinty, with progressive new policies as outlined. For instance, in education we will cap the primary grades to 20 students. We will put 1,000 new police officers on the streets in this province. We will hire more crown attorneys. We will put a greenbelt around Toronto to truly protect the moraine and give the people of the greater Toronto area, which is such a magnificent part of this economy and this province, the sense, the belief, that their water system will be protected.

Isn't it ironic that this week we will pass the clean water legislation, which came about because seven people died in Walkerton and hundreds were left ill? Again, the chief medical officer of health said to this government that when he attempted to bring the issue to the Premier's attention—

**Mr Spina:** He wasn't doing his job.

**Mr Duncan:** —the Premier turned his head away. Well, the people of Ontario won't forget that, any more than they'll forget Mr Spina's expenses, any more than they'll forget the flip-flop on pensions in the budget, any more than they'll forget the energy fiasco this government manufactured and now is attempting to dig itself out of. The people of Ontario won't forget that.

But most importantly, the people of Ontario will look for new leadership from a man like Dalton McGuinty, who won't need legislation like this for his ministers any more because it would have been in place already—the type of leadership that will restore to government the ethics and confidence which have been sorely lacking in this province for seven long and painful years.

**The Acting Speaker:** It is now time for questions and comments. Members have up to two minutes each.

**Mr Michael Prue (Beaches-East York):** I listened to the two previous speakers on this issue, and although they did from time to time stray just a little from the topic, there was a kernel of truth in what they had to say. I think what was most important in both their speeches is that they touched on the fact that by December 31, 2002, the Integrity Commissioner will have access to all expenses dating back to June 26, 1995, for the following people: any minister or parliamentary assistant or member of their staff, as of November 28, 2002, and every person who held office as opposition leader and their staff since June 26, 1995.

Quite clearly and carefully, what they said about the former Premier, Mike Harris, is true: he is not included. He should be included. I think the people of this province will be demanding to know how he spent his money while in office. It is only fair that if the opposition leaders—Lyn McLeod and Dalton McGuinty from the Liberals and Bob Rae and Howard Hampton from the NDP—are going to have their expenses under the freedom of information act, it is absolutely and abundantly clear that Mike Harris should have his expenses under that same act as well. To leave that out, I would suggest, taints the entire process. One has a choice. One has a choice to leave them all out or to include them all. But one cannot choose that that one person of such tremendous influence in this province be literally left out, a person who was in charge for seven long years, a person who was in charge during very difficult times for a lot of people and organizations. Clearly he should be the subject of the same guidelines and the same rules as everyone else. I would suggest the government should include that amendment to make this act even better than perhaps it already is.

**1650**

**Mr Spina:** For this member to accuse the civil servants of collusion is tantamount to accusing them of breaking the law, because, sir, they are not permitted to do so, and I remind you of that.

Secondly, with respect to my expenses, I make no apology. All my expenses have been FOIed, released and published. In fact, I would like to remind the member that the list that you sent to the newspaper in Brampton, the list that you sent, was clearly detailed. I make no apologies for doing the work of government.

I was given specific responsibilities by the ministers of the day. I travelled from Mattawa to Kenora in northern development, in tourism, and as the PA for small business. I have done it all in six different ministries. I do not accept any criticism for doing a responsible job, particularly for the people of northern Ontario, who had no voice in the government other than the Premier of the day himself. My expenses are clean, sir; in fact, if you want to know how much I had to pay back, here's your 35 bucks, because that's the limit of what you are going to find in my expenses. Tell your researchers to get off their backsides and dig through it, because that's exactly what they will find.

I know what I have claimed. I know what I'm entitled to. I know the good job that I do for the government of Ontario and for the people of this province.

I want to remind the member about the comment made by the newspaper in December 1989 about the Liberals: "This was the crew who promised to be different and blow away wasteful Tory traditions, to spend each buck as if it was theirs." That was a comment made about the Liberal government in 1989. Go blow that stuff somewhere else.

*Interjections.*

**The Acting Speaker:** Order. I've let a little latitude, and now I regret it, as usual. So I'm going to ask every-

body to give the respect that every member standing is entitled to.

The member for Sudbury.

**Mr Bartolucci:** Certainly, Speaker, I'll try to bring it back to order and indicate that the member from Windsor-St Clair, the Liberal House leader, Dwight Duncan, has made a compelling case why the people of Ontario should elect a different government. I believe his case has been added to by the member from Brampton Centre, Mr Spina. I honestly believe that the House leader for the Liberal Party has outlined in a very fair, open way why the people of Ontario should be very, very concerned with the way the Harris-Eves government handles money, especially people's money when we deal with their expenses.

Do you know what I'm really, really concerned about with Bill 216? It's that when they had the chance on April 23, 2001, when I introduced Bill 2, An Act respecting Accountability for Ministerial Travel, they didn't act as a government on this. You effectively spoke in support of it. You said how important it was to be accountable. You said how important it was for the people of Ontario to know how their money is being spent by their elected ministers. We had a second reading debate on April 26, and everybody in this House supported it. We on this side of the House wanted it to go to a committee so that we could have frank and open discussions so that we could improve upon this bill, my Bill 2. You chose instead to bury that at committee of the whole.

In other words, you really didn't want accountability. Then you were caught with several hands in the cookie jars and all of a sudden we're concerned about accountability. My bill is a reasoned amendment that I would hope we will be putting forth very shortly.

**The Acting Speaker:** Before I go any further, the member who is about to stand up, the member for Timmins-James Bay: I think he just had a cellphone in his hand and actually made a call. If that's what happened, I'm going to give you a chance to deny it, because you're at the other end of the House. But, boy, that better not have happened and I'd better not see that thing come out again. If it does, you're going out of here with it.

**Mr Gilles Bisson (Timmins-James Bay):** No, actually it's a Palm Pilot. I was doing something on my Palm Pilot. Sorry about that. I'll be more discreet about the use of my Palm Pilot.

You took me a little bit off-kilter here, because I wanted to say—anyway, let me get back to the point of the debate here. I quite frankly find this whole debate a little bit troubling, because what we're doing in this Legislature by way of this debate, I think, is demeaning all of us. We're all sitting here pointing our fingers across the aisle and saying, "We're more pure than you, and we're better, and we've never done anything wrong, and it's only them; oh, not us."

I think we all look the same when we get into these debates, and I quite frankly regret that we're having this debate in the way that we're doing. If we want to talk

about a system of accountability, fine; nobody's going to argue on either side of the House that we don't have to be as accountable as humanly possible and as transparent as possible when it comes to being able to make sure we're judicious with the taxpayers' dollars. That's not the argument.

I think that when we get into this whole debate that "I'm better than you; I spent less than you; you spent more than me"—the reality is that different members have different needs. I live in northern Ontario. My expenses, like Mr Bartolucci's, like Ms Martel's and a whole bunch of others, are higher than anybody else's by nature of where we live.

I listened to the member who was the former parliamentary assistant to northern development and mines. I accept that he's going to spend far more money as a parliamentary assistant in that ministry than he would in a ministry that doesn't travel as much.

If we want to get into a debate about how we make the system more transparent, I am more than prepared to get into that debate and I think it's great. But to get into a debate where we say that we, as public servants—because that's what we are as elected officials—shouldn't be able to expense anything when it comes to our travel, I think is a bit beyond the pale.

The reality is that you eat when you're on the road, you need a hotel room, you've got to pay mileage, you've got to pay airplane fare or whatever it might be, and to somehow suggest that doing those expenditures is wrong I think demeans all of us. I really regret that we're having that kind of debate.

**The Acting Speaker:** Now one of the original speakers has up to two minutes to respond.

**Mr Duncan:** I'm pleased to have the chance to respond. Accountability and transparency are important and they've lacked. They have lacked in the area of ministerial expense and accountability. There's no question. If this situation hadn't been provoked, this debate wouldn't have to be happening. It's here now, it's before us, and I would submit that the bill does not suggest, and no one is arguing for a moment, that we shouldn't be spending money. This bill doesn't do that. It simply provides for proper accountability and mechanisms.

I understand what the government said, that the Chair of Management Board has said that there have been fuzzy, unclear guidelines for many years. We welcome this. We welcome the opportunity to compare, because I think that is a legitimate issue. I think it is legitimate because we are challenged to manage the taxpayers' money properly.

I would remind you, I would remind all members, that this is the government that on the one hand has preached restraint. It has preached restraint on school boards. We have supervisors in the three largest school boards of the province. This is a government that has talked a game about welfare recipients, cut their benefits 22%, set up snitch lines to call. This is about double standards. I would suggest to all members that the parliamentary assistant to a minister ought not be spending more than the minister, or several ministers.



*Interjection.*

**Mr Duncan:** Yes, it is subject, but unfortunately the bill exempts that parliamentary assistant and it exempts the former Premier. It's a double standard. I do agree with the member for Timmins-James Bay that it's a bit of a gotcha, and that's unfortunate. It's unfortunate that this debate has to happen at all. We should be debating the real issues, but they've time-allocated all of them, so we can't.

We'll support this bill. It's an important step forward. But this is a government that is clearly out of control.

1700

**The Acting Speaker:** The floor is now open for further debate and to recognize the member for Beaches-East York for what I believe is the leadoff speech of the third party.

**Mr Prue:** Thank you very much, Mr Speaker. I rise to speak to this bill, and I should advise that I will be sharing some of my time with other members of the caucus.

This is an important bill. I'm glad that the debate in the last couple of minutes has started to tone down just a little, because all of us in this Legislature will be either supported or demeaned by what is said here today. It is very easy for people out there who aren't in government, who don't like government or who make their living by selling newspapers or through the media to question government expense and people, as I suppose they have the right to do and as many times they should. But government is a business, just like if you were running IBM or any large corporation in this country. It requires one to have expenses, it requires from time to time that one travels and it requires that one represents the business, and in this case the people of Ontario. However, it is important that we lay down very clear guidelines, which in my belief did not exist before this bill, so that everyone understands what those guidelines are and so that the general public and the media can understand as well what they are and what they can come to expect from their politicians, the people in this Legislature and those who work for them.

I stood earlier to comment on a previous speaker and talked about the one glaring aspect of this bill that needs to be remedied. I stand to talk about it again as my first item. What has not been remedied and what is glaring and obvious to anyone who reads this bill is that it exempts the former Premier of this province, Mr Mike Harris, who was Premier from 1995 until just earlier this year. He is not the subject of freedom-of-information requests. Others are, others who are no longer in government, like former Premier Bob Rae, who is subject to this. Others who are leaving government, like the member for Thunder Bay-Atikokan, Lynn McLeod, when she was the leader of the Liberal Party, are not exempted from this bill, nor are current leaders Howard Hampton and Dalton McGuinty exempted from this bill. It would seem very clear to me that a person who exercises so much power, a person who had believers on so many operations in this government, should have his expenses audited like everyone else. To leave them out is to do a

disservice to this Legislature. To leave them out is to make the entire bill far less meaningful than it can and should be.

All members of this House should be mindful of how they are spending taxpayers' money, but especially mindful should be those who are in charge, and ultimately the person who was in charge for all of the period under question, going back to 1995, save and except for the last several months, Premier and former Premier Mike Harris. He was a man, and I agree with what the previous speaker had to say, who presided over a lot of pain in this province—a lot of pain to amalgamated cities and the people who fought them; a lot of pain to the cities and towns that were downloaded with services that they're having difficulty in paying for to this day; a lot of pain to the children in our education system and to the parents who worry that the schooling they're getting today is not as good as the schooling they once got; a lot of pain to those on welfare who had their monies cut by 22% and who continue to exist far, far below the poverty level, almost always in hunger and in want; and to our disabled, who have not had an increase in some eight years, and all the cancelled social housing that was done in 1995, so that people do not have decent and clean places in which to live.

That is the person who was there. Those people need to know that during all that pain they existed through, that they were forced to endure, someone was not living high in the lap of luxury.

I believe with all my heart that former Premier Mike Harris should put his expenses forward and the people who are under that pain should know whether or not he suffered the same consequences, whether he underwent the same problems they did. Obviously he would not have, because his salary alone would have protected him, but they need to know that he wasn't living high on the hog, with expensive golf club dates and foreign trips and everything else. That needs to come forward. I would suggest to the members opposite that if you put that into the bill, if you have the guts to put that into the bill, and you put everyone else through the same scrutiny, then you will get not only the support of this side of the House but also the support of Ontarians across this entire province.

This bill does some good things, and I believe that my caucus in all likelihood, depending on what happens to the bill, whether it goes to committee, whether there are amendments made to it—I hope there are. I hope the public is heard on the bill as well, although given the fact that almost everything is time allocated, I'm not going to hold my breath. It does some good things. It includes cabinet ministers. All of those who are in cabinet will now be subject to freedom of information, as will parliamentary assistants, as will opposition leaders and, I think most importantly, the staff who work for all of those people. It will be incumbent upon them to keep clear and meaningful records of where the money is spent so that there cannot be aspersions cast upon any members in this House, because when aspersions are cast on one of us,

they are cast quite literally on all of us. When a cabinet minister is forced to resign over questionable spending, then it looks bad on all people in public life.

Last week I went to a small, little Christmas luncheon. A man of 90 years of age was present, or just about 90 years of age; quite a remarkable man. He lives in the Leaside area of East York. He told me that he was ashamed he had to tell me, but he felt he had to tell me, that in the last few weeks he has changed his mind, after 90-some years, on his respect for politicians. He changed his mind because of some of the things that were said in this Legislature. He changed his mind because of what was happening in Ottawa and the whole boondoggle around gun control and how much money was being spent, and I guess the fiasco of the federal government from time to time. He changed his mind because of the MFP inquiry in Toronto and the mayor who was called as a witness who did not assume any type of responsibility for the actions that were clearly under his administration.

He told me that for the first time in his life—and remember, he's 90 years old this spring—he was ashamed of our politicians. He wanted to know what I would do or what we could do to get the feeling that he used to have in his younger life of politicians whom he looked up to and whom he admired; politicians who did things for the province, for the city or for the federal government; politicians who worked in the name of the people; and politicians who are not, as he put it, on the take or seeing what they could get for themselves.

It struck home to me that he is not atypical. He is probably your average citizen who is worried about what is perceived to be a decline in standards. This bill hopefully will bring that back, not only for the members of this Legislature but for the people who work for each of us. We have that responsibility, whether they be our researchers or people who work personally for one of the leaders, to make sure that they are acting at all times in the best interests of the people of this province. I believe everyone should be under the scrutiny of freedom of information; every single politician, every single member of staff of a politician, and that most especially includes former Premier Mike Harris.

1710

As a municipal politician for some 14 years before I came into this chamber, which I still continue to look around at in complete awe—you look and find little carvings on the wall you didn't notice the day before; it's really quite an august and wonderful place. As municipal politicians, we had constraints upon us as well. I would suggest that most of the municipal politicians in Ontario, in all our 400-plus cities and towns and regions, work extremely hard, and they have expenses as well. Perhaps we as provincial politicians should emulate some of them. Every year most municipalities require that the expenses of their locally elected people be put out for public scrutiny. Those bills are put out and you can look down the list. In Toronto, the Toronto Star, the Sun and the Globe and Mail publish yearly the list of politicians and how much money they spent.

**Hon Mr Tsubouchi:** They're summaries, just summaries.

**Mr Prue:** They are summaries, I grant, but anyone can go beyond the summaries and look at what actually was spent.

**Ms Marilyn Mushinski (Scarborough Centre):** No.

**Mr Prue:** Yes, they can. The summaries are out there, and you can see which politicians spend the most money, which politicians spend the least money and which politicians are in the centre.

There is another thing municipal politicians do that maybe this Legislature should look at from time to time; that is, in many jurisdictions, although not all of them, when a trip or a convention or something outside the region or municipality is undertaken, if there is not a budget in the politician's local global budget to attend, then the council itself must make a decision whether or not to send that politician or group of politicians. There is often a debate—

*Interjection.*

**Mr Prue:** I'm sorry. I didn't hear the muttering. Was it a good one or not?

**Interjection:** It was a good one.

**Mr Prue:** All right. I'm sure, but I wish he would mutter it a little louder so I could enjoy it too.

**Interjection:** You may not, Michael.

**Mr Prue:** All right. I'll mutter when you get up.

There is almost always a debate on how many politicians to send, whether it be the FCM conference or whether it be a conference of cities around the world. There is a debate about whether one is too many or two is not enough. We should perhaps be getting into these kinds of debates as well, because oftentimes it has been my experience that we should be attending conferences and conventions, we should be going to fly the Ontario flag, not only in this country but also potentially in other ones as well. But the money should be spent wisely. We should be there to give the Ontario perspective, but oftentimes we do not, I would suggest, have to have legions of people when one or two will do.

That brings me back, though, to where we should be going. We should clearly be on the side of expending money wisely and smartly, and we should not be there to over-expend it. It is important, however, that Ontario at all times be represented. It is equally important, perhaps even more important, that Ontarians feel that that representation is meaningful and that the money has been spent in such a way that it promotes our interests, either our interest in bringing new industry to Ontario or our interest in finding new technologies or new ways of providing government services or something that needs to be brought home. I would suggest that if that is done, the public angst about dinners at expensive steakhouses or bottles of wine that cost too much perhaps would be lessened.

This brings me to the next part: the allowable expenses of this bill. The allowable expenses list the word "prudent," that the expenses must be "prudent." I wonder



sometimes what that means, and I've tried to figure it out.

**Hon Mr Tsubouchi:** It means careful.

**Mr Prue:** It means careful.

**Ms Mushinski:** It means wise.

**Mr Prue:** It means wise too to you. OK. The word means a lot of things to many people, but that is the word that is used. Then one questions, as the rest of the bill unfolds, whether or not the expenses can be seen to be wise, whether they are standard business accounting expenses or whether they're not. I'd just like to go through some of those.

There is a "strict"—and I put that in quotes—ban on alcohol for an individual member to have a glass of wine or something with his or her dinner after a hard and gruelling day on the road. However, there is no such ban when it involves hospitality—hospitality with a whole list of persons which I'm going to go through. So if you are by yourself on a lonely highway after a hard and gruelling day of driving around, as Mr Spina suggests, in northern Ontario for eight or 10 hours, to go from one location to another, stop at a small restaurant and have a \$10 meal and a beer, you can't have that beer. I understand why you can't have that beer, because the taxpayer obviously shouldn't pay for it. But on the contrary, if you are driving around in southern Ontario, eastern Ontario or northern Ontario again and you are subject to hospitality, where you go out with someone else, not only would the definition of the meal change, but so would the ability to have alcohol.

The list of people, and it's listed for government persons, has a whole bunch of other definitions. It includes "incurred for a work-related purpose." What is a work-related purpose? Is a work-related purpose the fact that you sit down with someone from another town and discuss government business? If so, how much government business needs to be discussed? It says that it needs to be a modest and prudent use of public funds.

**Hon Mr Tsubouchi:** That should be self-evident.

**Mr Prue:** It should be self-evident?

**Hon Mr Tsubouchi:** To most people.

**Mr Prue:** I'm questioning so it's part of the public record and so it is self-evident not only to myself but also to everyone in this room and hopefully to everyone watching television as well. It must be a modest, prudent use of public funds and it does not include alcohol.

But then there is a whole list of people that this goes on to talk about where it does not necessarily fit. I understand and empathize with whoever wrote the bill and whoever thought of bringing this forward why it doesn't necessarily fit. I would hope the members of the fourth and fifth estates and people watching this on television would understand that a government employee, whether it be a member of the Legislature, one of the staff or a civil senior servant, someone acting on behalf of the government, from time to time will have to do business in a way in which business is normally done not only in North America but throughout the world.

There is a whole list of people who can be feted beyond a simple meal. Those include other governments, so that if a member of this House were to entertain other governments, whether they be other provincial governments, municipal governments, I guess federal governments and even international governments, that type of feting would be allowable under this act. For dealing with members of the public sector, public interest groups, industry, labour, national and international organizations, charities and formal conferences, the member would be allowed to interface with them at something less than a prudent use of public funds.

The reason I'm raising this is not to criticize the bill but perhaps to help explain the bill, not to the members opposite but perhaps to those who are listening. It is necessary from time to time that groups interact with cabinet members and members of the Legislature and that quite normally and naturally this may include hospitality. As I said earlier, I came from the municipal sector and this was not at all uncommon. It was not and should not be uncommon for a mayor or a group of councillors to go and try to get a new factory to locate in their town or city. They may have to travel, and some do, a great deal of distance. I know the mayor of Toronto went to Los Angeles to try to convince the movie industry to come here to make more films. By all accounts, that travel and expenditure were probably wise. Even though what seemed to be a significant amount of money was spent, it did pay many times the return in the number of movie shoots that can be seen on the streets of Toronto. And with all the difficulties we have with those in terms of parking and traffic and noise, and perhaps the little bit of pollution that they engender, it is still a good thing for the economy of this city.

1720

That is the type of example where money must be spent in order to make money. But I also have seen others where the travel was little more than a junket, when the person came back sometimes empty—and you don't win on every trip—because there really was no expectation of getting anything at all. Those are the types of things that we—

*Interjection.*

**Mr Prue:** Excuse me. I can't hear your muttering either. If you're going to heckle me, at least do it loudly enough to be heard.

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** We're talking about municipal politicians' junkets.

**Mr Prue:** With the greatest of respect, there are some at the municipal level; there are some at the provincial and federal levels as well. What we need to do and what I'm trying to say is that we need to get away from those which clearly have no benefit and that are seen by the public and by the press, quite wisely, as simply wanting to go to a sunny or great location in order to see it. With the greatest of respect, I think we have to be better than that.

That brings me to the next point. I've only been here some 14 months, but I have seen—

*Applause.*

**Mr Prue:** Are you clapping because I've only been here 14 or because I've made so much impact in 14? I hope it's the latter.

Obviously, I cannot speak for all members of the Legislature, but I want to say that I have been very impressed how most if not all of the members of this Legislature have spent their money and what they have done in their travels. The work is gruelling, the work is extremely difficult and the province is very large. In order to see this province and do justice to the people of this province, it does require an enormous amount of travelling. That's one of the things I have discovered in my short 14 months. Trips even just to Windsor take five hours, and all of the little side trips to go to the towns I've gone through to talk about urban visions, or to eastern Ontario or to the north. This province is an enormous place and the travel within the province is really quite great. It takes a lot of stamina to be a politician and a lot of being away from your family for long periods of time.

One needs to recognize that in that travel there will be expenses. There will be expenses to represent Ontario. There will be conferences coming up during the spring, and there was even something in the print media today questioning whether Ontario should be represented at a conference in Australia. I would suggest that it is not untoward to send someone there, provided that something can be gained or learned and brought back to be of benefit to the people of this province. If we go there with no intention of doing that, then it is little more than a junket and of course we should not be party to that.

I've also been very impressed by the association of francophone assemblies and the number of times that travel is undertaken to monitor elections that Ontario is part of and the building of the worldwide Francophonie and what is involved there. It seems to me that that too is a legitimate use of government funds.

I went on to read the bill, and there were other things in there that were intriguing and that I agree with. One was that the consumption of and expenditure on alcohol should normally be less than the cost of the food. I would suggest that this is a prudent thing to say, because there is a whole range of alcohol that can be sold or imbibed at meetings which other governments, the public sector, interest groups, industry, labour, national and international organizations, charities and formal conferences might do, but it does not have to be expensive and certainly should not involve \$1,500 and \$200 bottles of wine. Clearly, if a glass of wine is in order, a glass of Ontario wine is in order, and really that is the limit to which we should go.

There is more here on the hotels. This is always a controversial item. I would suggest that I think there needs to be a little bit better balance than the writers of this legislation have put forward. What they said quite clearly is that there needs to be a balance of economy plus the status of the minister. They need to be balanced. I guess if you are a minister in the inner cabinet, you

need to stay at a five-star hotel versus a four-star hotel if you're a parliamentary assistant, a three-star hotel perhaps if you're a committee Chair and a two-star hotel—I don't know—if you are a lowly backbencher. I'm not sure what that means. Perhaps that should be clarified because, with the greatest of respect, I think a clean hotel is what should be asked for; a clean hotel, and not necessarily a luxurious hotel.

**Mr Bisson:** I've seen some two-star hotels, and I'll tell you.

**Mr Prue:** I think that's what needs to be worked into this legislation. It is, of course, mandatory that someone has a place to sleep, as our homeless would tell you. It's important to have a roof over your head, but it should not be at five-star hotels when there are options. I would suggest that when most travel in this province and country, in almost every city and town there are options.

It goes on—and I think they should revisit this one, because I do have a little bit of a problem with this—include the expenses of spouses. When the spouse is required to be at an official function, those expenses are paid for; I guess if there is a gala and they say, "We'd like your wife or your husband to come with you to the gala so that you can walk in." With the greatest of respect, I know our spouses all put up with a great deal from all of us in this place, not being home sometimes for days and weeks on end, but to expenditure this for the purpose of attending gala dinners or to have a partner with you at those dinners seems to me to be an untoward expense for the taxpayers of the province.

**Hon Mr Tsubouchi:** That's the Monte Kwinter-David Peterson exception.

**Mr Prue:** I don't know the David Peterson exception. I'm only speaking for myself personally and perhaps—

**Hon Mr Tsubouchi:** Monte took his wife to Italy.

**Mr Prue:** I hope Hansard caught that, because all I caught was "a wife in Italy."

**Mr Bisson:** My wife won't go to Italy.

**Mr Prue:** Your wife won't go to Italy.

**Mr Bisson:** She won't go anywhere.

**Mr Prue:** My wife would go to Italy in a minute. If she's watching this, which I doubt, I have to tell you that whenever I have been required to travel in past jobs, her attendance with me was always at my expense. I believe that is the way it should be. It should be done exclusively and only that way. The members of this Legislature make enough money that we can afford to do that. Quite clearly, that is the rule that should be followed. If your spouse or family attends with you, it should not be done at the taxpayers' expense. I would hope the members opposite would rethink this one and perhaps exclude it when it comes time to do the final bill.

Last but not least, it does not include mini-bars, videos and that type of thing, which is perfectly logical.

I go back to where I began, and that is that Premier Harris should be included in this bill. The public has a right, especially those members of the public—which includes almost all of us in this province—who have had to make sacrifices over the seven years. We have had to



make sacrifices, again, for purposes of amalgamation and downloading to municipalities; the sacrifices of the working poor, people who have not had an increase in the basic minimum wage, welfare recipients who have had their money slashed, people who live in abject and extreme poverty, people on ODSP who have not had a raise in eight years, and the list can go on and on. All of those people have an unqualified right to make sure that the man who was in charge of what went down there is himself squeaky clean, and he should be included. I would suggest that if you're going to exclude him, then you're going to have to exclude others as well, and all of us need to be there.

1730

In the New Democratic Party, we believe that this is a good bill. The bill needs, though, to expand beyond just hospitality. It needs to expand beyond just where you eat or where you sleep or what you drink or how you travel. It needs to include other expenditures. We believe that it should open up and reveal expenditures of consultants who are brought in. I don't know about the other parties; I don't think we've done it, at least not in the last seven to 10 years, I hope never, but consultants who are brought in for image building, American consultants who come in and tell people—

**Mr Bisson:** It didn't work for Dalton, though.

**Mr Prue:** I don't know. I don't know who it has worked for and who it hasn't, but there are some swirling statements, undercurrents, that monies are being expended by this Legislature for that purpose. If that is correct, then it needs to be rooted out. We need to get to the bottom of that and we need to make sure that hard-earned taxpayers' money is not being expended on consultants, particularly those who come from south of our border, who come up here to refurbish and remake politicians in some style other than what they really are. If that is the case, I think the taxpayers truly would be indignant. I hope that this bill will go so far as to determine whether those types of expenditures are being made and that something is done to stop them.

I'm just about finished. I would like to close by commending the government for bringing forward this bill. It has of course come forward all too quickly, and I guess it's because of some of what was happening to them in the political process and in the media. But it is an honest attempt, I would suggest, to try to set the scales right and it is an honest attempt to make sure that all members of this Legislature are subject to freedom of information laws and that all members of this Legislature would know what is appropriate on which to expend taxpayers' money in a prudent way. If that is done and if that is the ultimate end to this bill, then I would commend it.

I would suggest to the members opposite, though, there are some improvements: number one, to include Mike Harris; number two, to take out the expenses for spouses who travel with members; and number three, that some kind of categorization of hotels to clearly indicate that which is acceptable versus that which is lavish might be in order. If those are done, then I would suggest that

this bill will be supported by all parties in this Legislature.

I have spoken a little bit beyond my 30 minutes, and I am going to turn over the balance of my time to my colleague Tony Martin, whom I'm leaving with a little over 27 minutes.

**The Acting Speaker:** The floor goes to the member for Sault Ste Marie.

**Mr Tony Martin (Sault Ste Marie):** If a page of somebody might bring me a glass of water, I'm probably going to need it before I'm finished.

I appreciate the opportunity to put a few thoughts on the record here this evening with regard to this bill. I'm not going to focus completely and totally in a disciplined way on the bill itself, because I think it speaks for itself. But I do want to put it in some context and help people understand how I see it playing out in this place and in the broader political world out there that I think we all have to be so very careful to protect and support and to grow in a way that is positive and constructive and in keeping with the thinking of those who so many years ago set in place the way we govern ourselves here in this province and indeed across the country.

We've seen in the last few years in Canada and in Ontario a very direct attack on the institution of government, a nibbling away at the corners, some very obvious throwing of grenades into the very heart and a diminishing of the role and the potential role of government in the ordering of the public business of the jurisdiction we call Ontario, and I think that's to our detriment. I don't think that serves any of us well, and in particular it doesn't serve our constituencies, the people who send us here.

This latest volley, this bill that's before us here this afternoon, is another piece in that agenda, in that campaign that is being driven primarily by a right-wing element in the province of Ontario, a right-wing element across this country that comes to us, I would say, most directly and primarily from the United States of America, where the Republicans have been able to very effectively bring forward a chilling and a challenge to democratic processes, to government institutions that have seen very many people, particularly our most vulnerable and at-risk people, not well served—particularly that group but I think we've all been not well served.

I think that we've shown over a number of years in Ontario and in Canada that when we work together collectively, when we focus on communal activity, a contribution to community by all people, and we order that, we organize that in a way where everybody gets a chance to participate, everybody gets a chance to bring their gifts, their talents, their training to the common effort, and at the end of the day, everybody gets to participate in the good that's created from that effort together, then we have a better community, we have a healthier community, we have a safer community, we have a community that works for all people and we have a community that I believe evolves, then, in an intelligent and compassionate fashion such that fewer and fewer

people fall through the cracks, fewer and fewer people feel at risk when they walk down their streets at night, when they send their kids out to play or when they go on vacation and leave their homes relatively unprotected while they're away.

That's what worries me about what we're involved in here these days, it seems, and particularly this afternoon as we take a look at this bill, because this bill is a direct result of a challenge by the official opposition. It's their job, their responsibility to challenge government in any way they see necessary to make sure that it is living up to the rules and regulations that are in place and at play in this process that we all participated in.

The official opposition, through some diligence and, I would say, some effort in research, found some things that the government was doing that weren't quite by the rules that have been laid down. Of course the government across the way, who came here priding themselves on how they're going to be better than everybody else, how they are going to actually not only be better but they're going to change this place so that we're all better in the long run, are cut to the quick, so to speak, with this challenge, with this critique, with this exposing of behaviour and spending patterns that aren't reflective of what they speak, what they write, what they put in their documents that they present come election time that people then base their decision on when they vote. So they in turn decide, "OK, what's good for the goose is good for the gander." So they say, "Well, we're going to change the rules so that we can more effectively go after members of the opposition in terms of what they're doing by way of the expenditures they make as they do their work and try to be good politicians and participate in this place and across the province."

But you see, I think that at the end of the day they're not going to find much. I think they're going to go through the history, the records of some of the leaders of the official opposition. They'll probably go through some records of some of the folks who serve over here. They'll have a sharp pencil and they'll spend a lot of time, and they'll find there isn't much, there really isn't a whole lot there.

1740

What they'll find in the end, and what we'll all find in the end, is that the rules as they exist, without the changes that are being proposed in this bill, actually cover all that. If you want information on somebody, if you want to find out what somebody is doing, on behalf of the Board of Internal Economy or the legislative precinct, as they go about their business trying to serve their constituents and meet with individuals to promote the activity of government and the furtherance of good government, to include people in the discussion we all have here so we're all smarter and more aware of how things affect or don't affect the everyday life of a particular individual, community or group of people, the rules that are already in place provide for that.

I know that from time to time I get a phone call or a little note from the folks over at the finance branch in the

Whitney Block asking me to justify a particular request I've put in for a return on an expenditure. They say, "Tony, what was that about, and how does that work? Do you understand that that's not in keeping with the rules as laid down in the book we're all given when we come here?"

When I first arrived here in 1990—and I know that you, Mr Chair, probably went through the same exercise—we were talked to very clearly and very directly by people who had been here for a long time as to what we could and couldn't do. We were over in the Macdonald Block, I think, for quite some time, for a number of days, as we went through an in-service. People explained to us how this place worked, how you hired staff, what your staff could do, what they were responsible for, what you could do, what you could spend money on.

Most importantly, they talked to us about what you couldn't spend money on, because they wanted to make sure we didn't get caught doing some things, whether innocently—and I suggest that a lot of times people in this place, if they make a mistake, even in terms of spending some money in doing their jobs, in most instances it's innocent. It's not to try to take advantage or to unduly benefit oneself. But if you do that, there are rules and regulations that have been put in place, that have evolved over a number of years and that have been changed from time to time with all-party participation. What's different this time is that we have a whole new set of rules that aren't actually a collective effort to try to improve the circumstance within which we all work to bring greater accountability and clarity to what's going on, but it's a bit of tit-for-tat.

As I said a minute ago, the official opposition is doing their due diligence, as they are charged to do in that role as opposition, critiquing the government on its behaviour and habits and challenging them. Some of the government members are coming forward and apologizing, admitting to having made a mistake. I think that's fair. That's fine. That's all in keeping with the way you do that kind of thing. Then you get on with your business. At the end of the day, when all is said and done and all the exposure that happens here—when you go into public life, you have to expect that's going to happen. You're laid bare in front of your colleagues, the province and your constituents. They'll decide ultimately whether what you've done is bad enough or egregious enough that you don't deserve to be in public life any more. They'll make that decision, and always do.

It's interesting how they do that and how they come to their decisions about who is and who isn't deserving to serve in this place. I remember sitting here one night listening to Mr Conway, the member from Renfrew, talk about a gentleman who got caught doing something untoward in public life. The assembly that he was serving in deemed him not to be acceptable any more. They fired him, and their constituents sent him back.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):**  
Billy Joe MacLean.



**Mr Martin:** Billy Joe MacLean. The next election the constituents decided differently. "The guy made a mistake," they said. He apologized for that mistake. It was an honest mistake, I suppose. I don't know Billy Joe MacLean and whether in fact it was an honest mistake or not, but he made a mistake and he went back to his constituents in the next election and said, "Hey, you elected me. You sent me to this assembly to serve and they decided that I couldn't serve any more on your behalf. I'm saying that they don't have the right to do that"—and then they'll send you back.

What I'm saying to the assembly here this evening and to you, Speaker, and to the folks out there is that we do have a process in place here of oversight, of people having to be ultimately accountable. It's the rules that we all watch for ourselves and for each other and that we from time to time, yes, here in this House, have a debate about in question period and at other times. We have staff over in the Whitney Block who oversee our expenditures. I know I send mine in every month and do my best job to make sure all the receipts are in place, all the kinds of receipts they want. I've gone through about three different variations of what receipts they will accept and won't accept. It changes with every three or four or six months as some new consultant comes in and says, "Well, maybe we should do it this way," or "Maybe that receipt doesn't quite do it; maybe we need some other kind"—always over there trying to find a way to make sure we are living within the rules and regulations that are set in place for us here, and they are.

There are rules and regulations in the standing orders that are very clear, very precise and very understandable in terms of what we can and cannot spend as individual members and as members of cabinet and as members with responsibility in leadership roles. We know. We know that, and we know that if we break those rules, we may get caught because there are people here who will take it upon themselves to research and find out what's going on and may in fact catch us and then we will be called to be accountable and explain what we've done. We have staff, as I've said, over in the Whitney Block who, because they know the rules even better than we do, because they've been here a lot longer than we have been and will be here a lot longer than we will be, will vet those documents, those expense claims that go in.

At the end of the day, ultimately, we will be judged by those folks who elect us out there in our constituencies when we go back. I suggest that we'll probably be heading there in another three or four months. My bet is, and if you like, I'm a gambling man—I'll put some money on us being into an election and finished by the end of April of next year. I'll say that. I think that's where we'll be, that all of us will be before our constituents before the end of April next year.

That's to some degree part of what this is about here this afternoon too, that we have an election coming up. We have a government that's obviously in trouble. They're behind in the polls. They're not very popular on a number of fronts, hydro being the most obvious, and

our leader, Howard Hampton, has been absolutely unrelenting in his attack on the agenda of the government where hydro is concerned, and rightfully so. That's our job to do, just as it was the Liberals' responsibility, if they thought it was of interest and in the public interest to do some research and inquire as to the spending habits of some of the members and cabinet members across the way. That was their right to do. We will then answer that before the public come the election.

That's this little drama play that we're all part of here this afternoon, the discussion of this bill that was put, that was tabled, that will call on every Premier of the province, back to Leslie Frost, I suppose, to have his or her expenses exposed so that we can all have a good look at them and decide whether they're in order or out of order.

**Mr Bisson:** What about Sir John A. Macdonald?  
1750

**Mr Martin:** Maybe John A. Macdonald too; I'm not sure. But I know that if you look at this bill, you're not going to be able to go back and look at Mike Harris' expenses. I believe that was some of the assessment done on the bill, that he's not one of the people we have access—

**Mr Bisson:** Not as opposition leader.

**Mr Martin:** Not when he was in opposition; that's right. We can as government but not as opposition. We can't look at his. He's one of the ones we can't look at. That's interesting. The government thinks we're going to find something. The government is in trouble. It's in trouble on a number of fronts. It's trying to put fires out. One of the ways you deal with something like that is that you try to find a diversion. My kids do this. They're very good at it. I'm trying to deal with something they've done that I want to talk about and get corrected and they're forever trying to get me off on a tangent. It's really because they know that dad's not too swift some times, particularly if it's late at night or if I've had a long day or mom's on his case.

**Mr Dave Levac (Brant):** I disagree. You're swift.

**Mr Martin:** Am I? My kids don't think I'm very swift, and there are times when they're very smart. They are. They're professionals at this. Actually, the Conservatives should hire some of them to give them some advice as to how they might hang on to power in the next election. That worries me.

**Mr Bisson:** I wonder if the pages do that to their parents.

**Mr Martin:** Sure, they do. You do that, eh? Your parents catch you doing something and you know that you're in the wrong and that you're in big trouble, so you try to find a way to get the subject on to something else.

**Mr Bisson:** I see them smiling. They're smiling.

**Mr Martin:** We know the game they play. That's what the government is doing here. They're trying to get the focus off the very real and important issues that we should be talking about as a Legislature here that affect every member of the communities we come from and are elected from so that we can't start looking at, "How much did you spend? Did you have a beer? Did you have

glass of wine?"—all that really important stuff. I'm not saying for a second that we shouldn't be concerned about over-expenditure or wrong expenditure and people being accountable. But if we're running around in this place, this city and this province trying to find each other having a beer—

*Interjection.*

**Mr Martin:** Yes. Just pay for the damn thing yourself and get on with it. That's what I say, and we should all know that. The government members across the way are very happy to talk about common sense. For them, common sense is the foundation upon which everything they do is built. Common sense should have told them that they shouldn't have been chalking up big bar bills and shipping them off to the Legislature and the people of Ontario to pay. If they had been following their own advice and following the common sense axiom that they laid out in their election platform of 1995, they would have known that they shouldn't have been doing that. It's in the rules. It says you can't do that and that they eventually would get caught—because you do.

Kids know that if you keep doing the same thing over and over again and you know it's wrong, mom and dad are sooner or later going to catch you and then you're going to have to pay the price and face the music. It's the same thing here. If you keep doing the same thing over and over again, if you keep breaking the rules and do not live according to the common sense approach that we all know we need to live by here, sooner or later somebody is going to catch you with your hand in the cookie jar, taking more than you're supposed to. You'll get slapped. After that, life goes on.

In this place, life goes on until you get to an election, and then you have your constituents asking you, "A couple of months ago you were brought up in the Legislature and I read it in the paper. I read that you were out for a big dinner and you had booze and wine and stuff, and that wasn't according to the rules. I want you to explain to me why you did that and why that makes any sense and why I should continue to provide my support of you as a member of Parliament for my constituency." That's what will happen, and this government knows that. They know that they've been caught with their fingers in the cookie jar, that a number of their cabinet ministers have been out wining and dining when they shouldn't have been, particularly a government that prided itself when it came here in 1995 on being good managers, fiscal, prudent and all those words you hear where that kind of thing is concerned. They point fingers across the way, particularly at this little group over here, and say, "You guys are big spenders. You guys don't know how to manage. You guys wouldn't be able to run a candy shop." But I'll tell you, I don't remember, when we were government for five years, anybody raising that kind of an issue. We did some things when we were government, innocently and foolishly, that we shouldn't have done. We got caught for that and it was exposed. But I'll tell you, we weren't out there living the life of Riley on big expense accounts.

**Mr Bisson:** They were too afraid to get caught.

**Mr Martin:** Yes. I remember when I got here somebody saying to me, "Aren't you going to get the corporate card?" So I went looking in the ministry that I was part of and said, "Where's the corporate card?" and they said, "There isn't any for you, Tony." No corporate card, not that I would have known what to do with it anyway, because that's not where I came from. Before I came to this place, I ran a soup kitchen.

I know the member for Timmins-James Bay, before he came here, worked for a union. He was an organizer and worked for working men and women. They wouldn't let him get away with the kind of irresponsible spending that went on across the way.

I know that the member for Beaches-East York was the mayor of the city of York. He ran a good ship over there, and I don't think you heard any scandals coming out of that place about people spending money wrongly or not following the rules etc.

*Interjection.*

**Mr Martin:** Maybe they weren't caught, but I would guess that—this is the point that I want to wrap up my 30 minutes on here. I would guess that probably 99% of the people who come and serve at Queen's Park are decent, hard-working, good-living—

*Interjection.*

**Mr Martin:** I'll leave that to you. You get up next and you tell us. I don't know who they are.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I think they're all decent.

**Mr Martin:** Yes, most politicians I've met in my 12 years in this place are OK. I don't always agree with their politics; I don't agree with their approach. I think that sometimes what they do in the name of governing and the public interest is certainly not in keeping with my approach or my understanding of what we should be doing and my philosophical tack on life. But I find that for the most part everybody is trying their best. Everybody is trying to live according to the rules, even if it's because they know that if they don't, they might get caught. That's part of life. There are things we don't do because we know they're the wrong thing to do and morally and ethically we shouldn't be doing them, and there are other things we don't do because we know that if we do them we might get caught. That's life. I think around here that's the axiom as well.

We have 103 members elected by constituencies from across the province who come to this place, and I believe they're probably briefed the same as we are, particularly government members. I would guess that every new government when it first gets elected, because there are usually a lot of new members, will be taken through a very intensive period of orientation, where they're told the dos and the don'ts, where they're told what they can and they can't do.

**Mr Bisson:** You shall listen to the Premier.

**Mr Martin:** Yes, that's right, the Premier is God and all those kinds of things. But more than anything, you're told that if you want to have a long life in this place, if



you want to serve your community and the province for a long time, live according to the rules.

**Mr Bisson:** Keep your nose clean.

**Mr Martin:** Keep your nose clean, as the member for Timmins-James Bay said. Live according to the rules.

We've had a good set of rules in this place, and I don't think we should be moving as quickly as we are tonight and probably tomorrow to change those rules, particularly based on the rationale and the reason behind why that is happening. You can tip a scale in a way that makes the whole thing not work properly, not give you the information that you require because you're focusing on the wrong thing.

I suggest that we already have in place a set of rules that, if we all live by them, if we believe in common sense, as we used to understand common sense before 1995, we'll be able to serve in a way that will be of great

pride to the people of this province. Yes, from time to time, when somebody falls afoul of those rules and regulations or the common sense approach, they will get caught, as they do, as they have, and they will be held accountable. Ultimately, as is the way in our political system, they will go back before their constituents and will have to present themselves as worthy or not worthy. Their constituents will pass judgment, and then they'll either come back here or not come back here, based on their track record.

Thank you very much, Mr Speaker. I enjoyed this little opportunity this afternoon.

**The Acting Speaker:** You're very welcome.

It now being 6 of the clock, this House will stand adjourned until 6:45 this evening.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman  
Speaker / Président: Hon / L'hon Gary Carr  
Clerk / Greffier: Claude L. DesRosiers  
Deputy Clerk / sous-greffière: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Amsterdam-Dundas- Thamesville	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)	London West / -Ouest	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Mississauga Centre / -Centre	Sampson, Rob (PC)
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glangarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiles, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines, ministre du Développement du Nord des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Córdiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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of Ontario

Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario

Troisième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

Monday 9 December 2002

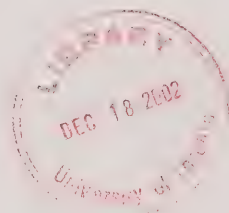
Lundi 9 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 9 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 9 décembre 2002

*The House met at 1845.*

I have received the official deferral. The vote will be deferred until December 10, tomorrow afternoon.

## ORDERS OF THE DAY

### TORONTO WATERFRONT REVITALIZATION CORPORATION ACT, 2002

### LOI DE 2002 SUR LA SOCIÉTÉ DE REVITALISATION DU SECTEUR RIVERAIN DE TORONTO

Mr Stockwell, on behalf of Mrs Ecker, moved third reading of the following bill:

Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation / Projet de loi 151, Loi concernant la Société de revitalisation du secteur riverain de Toronto.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated October 16 of this year, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it. Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

### SUSTAINABLE WATER AND SEWAGE SYSTEMS ACT, 2002

### LOI DE 2002 SUR LA DURABILITÉ DES RÉSEAUX D'EAU ET D'ÉGOUTS

Mr Stockwell moved third reading of the following bill:

Bill 175, An Act respecting the cost of water and waste water services / Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated November 4 of this year, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

### CONSUMER PROTECTION STATUTE LAW AMENDMENT ACT, 2002

### LOI DE 2002 MODIFIANT DES LOIS EN CE QUI CONCERNE LA PROTECTION DU CONSOMMATEUR

Mr Stockwell, on behalf of Mr Hudak, moved third reading of the following bill:

Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated November 19 of this year, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

Pursuant to standing order 28(h), we will stand down the vote until tomorrow.

### SAFE DRINKING WATER ACT, 2002

### LOI DE 2002 SUR LA SALUBRITÉ DE L'EAU POTABLE

Mr Stockwell moved third reading of the following bill:

Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated November 6 of this year, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

Again from the government House leader, a deferral of the vote until tomorrow.



FUNERAL, BURIAL AND  
CREMATION SERVICES ACT, 2002

LOI DE 2002  
SUR LES SERVICES FUNÉRAIRES  
ET LES SERVICES D'ENTERREMENT  
ET DE CRÉMATION

Mr Stockwell, on behalf of Mr Hudak, moved third reading of the following bill:

Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funéraires, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

**The Acting Speaker (Mr David Christopherson):** Again, pursuant to the order of the House dated December 4 of this year, I am now required to put the question. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

Again a deferral slip has been provided from the government House leader, and that will be voted tomorrow.

1850

VOLUNTEER FIREFIGHTERS  
EMPLOYMENT PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION  
DE L'EMPLOI DES POMPIERS  
VOLONTAIRES

Mr Arnott moved third reading of the following bill:

Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.

**The Acting Speaker (Mr David Christopherson):** The honourable member now has the floor for, I believe, a 20-minute leadoff speech.

**Mr Ted Arnott (Waterloo-Wellington):** It's an honour to move third reading of my private member's Bill 30, the Volunteer Firefighters Employment Protection Act.

While it's considered a rare instance that a private member's bill is moved forward to this point, a look at the past seven months should explain not only why we are still debating Bill 30, but why we must see that it's passed into law. Bill 30 is intended to stop tactics of harassment and intimidation used by the firefighters' union leadership to threaten their members who also serve as volunteers in their home communities. The

damage is done as these double-hatters succumb to threats and are forced to quit their volunteer posts.

I would like to remind the House about Tim Lee. Mr Lee is a full-time firefighter who works in Whitby and volunteers in Kawartha Lakes. He was recently convicted by his union for the so-called offence of volunteering. He has been expelled from his union. Although he is appealing their decision, his future employment remains uncertain. You may know, Mr Speaker, that most of the collective agreements involving professional firefighters include a clause that states that you must be a member in good standing of your union if you wish to remain employed. So in a very real sense, when Mr Lee says he stands to lose his job, his fears are not unfounded.

This is nothing short of outrageous. How can this House remain silent when volunteerism is assaulted in this manner? Surely everyone has the right to volunteer in their community and on their own free time, and in the discipline in which they are trained and skilled. Mr Lee's courage is an inspiration. He isn't quitting. Every member of this House should agree that Tim Lee and hundreds like him should have the right to volunteer on their own free time. Bill 30 would preserve that right.

The fire marshal has stated that legislation of this type is needed to avoid putting public safety at risk. Bill 30 had two days of public hearings before the standing committee on justice and social policy, on October 15 and 21. I was very encouraged when the fire marshal appeared to express support for the principle of the bill. Members may know that the primary function of the office of the fire marshal is to minimize the loss of life and property from fire by assisting municipalities and fire departments to improve fire protection and fire prevention services. The Ontario fire marshal also advises the provincial government on standards and legislative developments that relate to fire protection and fire prevention. Fire marshal Bernard Moyle is an experienced, dedicated public servant who is non-political, and his voice is relevant—indeed, it is central—to this debate. He said the following when he spoke of the discussions that have taken place involving the firefighters' union and AMO:

"There simply was no common ground for agreement on a non-legislated solution.

"For the reasons stated above, it is our opinion that an enforceable and sustainable non-legislated solution to the two-hatter issue is not achievable.

"... It is my understanding that the" Ontario Professional Fire Fighters Association "committed to the moratorium as long as constructive dialogue was taking place. This is no longer the case, so the moratorium was lifted. This is not intended as a criticism of the" Ontario Professional Fire Fighters Association, "as they have a legal right to enforce their constitution. However, the lifting of the moratorium by the" Ontario Professional Fire Fighters Association "will likely exacerbate the existing tension and uncertainty in both the fire service and municipal communities, and it is unclear to what

extent and degree this action will impact on existing two-hatters.

"The sudden or phased withdrawal of two-hatters from communities dependent on volunteer fire departments could significantly impact on their ability to provide an adequate level of fire protection and may in some cases pose a potential serious threat to public safety for the following reasons.

"There would be a loss of experience, leadership and expertise in some communities. In fact, for that very reason, even a single two-hatter can make a significant difference in a small rural community. For example, some two-hatters serve as senior officers and captains and have fire prevention and training responsibilities, which are key functions in any fire department.

"There may be a reduced capacity for providing adequate emergency responses during weekdays, when two-hatters are more readily available due to their shift schedules.

"Increased response times may occur, at least until replacements can be recruited and adequately trained, if in fact replacements are available within the community. There may be an increased time in which to assemble an adequate fire attack team and a potential short-term reduction in fire ground effectiveness, resulting in greater fire losses.

"The time required to recruit and train full-time, part-time or volunteer firefighters could be extensive, creating short-term delivery difficulties. In some small communities there may not be a pool of potential candidates available to become volunteer firefighters and a community may not be able to afford hiring full-time firefighters, creating a potential public safety issue.

"In a small number of communities that have a heavy reliance on two-hatters, the sudden withdrawal of their services could create a potential serious threat to public safety.

"In conclusion, there is a provincial and public interest in protecting two-hatters who wish to serve as volunteer firefighters. We do not believe that a non-legislated solution is achievable or enforceable. As a result, without a legislated solution, the existing tensions and uncertainty in the volunteer fire service "will continue, and the high potential for two-hatters to resign as a result of" the Ontario Professional Fire Fighters Association's "constitutional enforcement activities could well result in significant public safety concerns arising. It is my understanding that such protection is not uncommon in most jurisdictions in Canada and the United States" of America.

"In closing, my office recognizes the importance of balancing interests where possible, but supports first and foremost the need to develop a legislated solution that clearly protects the interests of public safety. It is important that career firefighters who wish to serve as part-time or volunteer firefighters in their home communities are permitted to do so without fear of loss of employment."

I remind the members that this is not just me talking over here. That was the presentation of the fire marshal to

the standing committee on justice and social policy while the committee was discussing and deliberating Bill 30 on October 21.

I've been encouraged by the support of many of the interested groups who are concerned about this issue. The Association of Municipalities of Ontario has been steadfast in their support since I introduced the bill in May. They have repeatedly lobbied every member of this House.

I was also very encouraged when I received the resolution passed by LUMCO, the Large Urban Mayors' Caucus of Ontario, in August. This resolution, which was signed by LUMCO chair Hazel McCallion, is significant because it underlines the fact that this bill does not pertain only to the interests of rural Ontario but to urban Ontario as well. MPPs who represent largely urban constituencies need to understand this when they consider their position on my bill.

Thanks in large part to AMO's help in getting the word out, some 79 municipal councils have passed resolutions in support of the principles embodied in Bill 30.

I want to especially say thank you to the region of Waterloo council and the council of the county of Wellington, as well as the local municipalities who offered their support in Waterloo-Wellington.

The Fire Fighters Association of Ontario, which as you know is the organization representing the volunteer fire departments in the province, is just as strong in their support of Bill 30 as is AMO. In fact, one of their executive members, Fire Chief Doug Smith of Puslinch township, was actually the first person to bring this problem to my attention on March 18, 2002, earlier this year, when he came to my constituency office to express his concern that double-hatters in the province were being threatened by the union leadership. My recollection is that he told me that up to one third of his firefighters are double-hatters at the Puslinch fire department. He expressed concern that without his double-hatters, their ability to respond to emergencies would be seriously compromised. I think I should add that the Puslinch township fire department is one of the busiest fire departments in the province of Ontario and that they cover part of Highway 401, which means they're the first emergency response when there's a traffic accident on the 401 through Puslinch township. They are very busy, and they need their double-hatters.

#### 1900

It was at that point that I began to investigate the possibility of doing a private member's bill that led to Bill 30. At that time I knew I had a private member's ballot item coming up and that I would need an issue. In looking at the issues I had before me, I thought this was a good one to bring forward. I was assisted by the member for Ottawa-Vanier, in terms of her willingness to trade her private member's ballot item with mine so that mine could be debated in June.

**Mr Gilles Bisson (Timmins-James Bay):** Not a Liberal.

**Mr Arnott:** An independent, as a matter of fact.



Recently, I was pleased to receive the support of the Ontario Association of Fire Chiefs. They called a special general meeting of Ontario's fire chiefs on November 20 to discuss my bill. They concluded that, "It is the position of the Ontario Association of Fire Chiefs that Bill 30, as amended, protects those full-time firefighters who provide emergency services in their communities as volunteer firefighters." They went on to say: "Bill 30 also minimizes the impact on a firefighter association's right to discipline their members, and maintains the right of an affected firefighter to fire service employment and fair representation. It is time for this legislation to be fully supported by all MPPs and to work toward ensuring a vibrant and community-minded framework for fire and emergency services across the province."

At this time, I want to say a special word of thanks to a number of my colleagues who supported Bill 30 at second reading, in some cases taking considerable political risk by taking a stand in favour of what I believe is just and right. I want to thank John Baird, Marcel Beaubien, Claudette Boyer, Tony Clement, Brian Coburn, Sean Conway, Dianne Cunningham, Carl DeFaria, Garfield Dunlop, Doug Galt, Steve Gilchrist, Raminder Gill, Ernie Hardeman, John Hastings, Chris Hodgson, Tim Hudak, Frank Klees, Margaret Marland, Bart Maves, Ted McMeekin, Norm Miller, Tina Molinari, Julia Munro, Dan Newman, John O'Toole, Richard Patten, Rob Sampson, Joe Spina, Norm Sterling, Gary Stewart and David Turnbull.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** What about me?

**Mr Arnott:** You weren't here, but I'm counting on your vote at third reading.

Lastly, I want to express my appreciation to the Premier for the interest he's shown on this issue. Not many days ago, in response to a question he received from the member for Toronto-Danforth, if I'm not mistaken, he said, "The member for Waterloo-Wellington has a bill that I believe should go forward and be acted upon." The Premier was, of course, referring to Bill 30. His statement led to an article that appeared in the National Post on November 28, with a headline that said, "Premier throws support behind 'double-hatters': Backs private member's bill, giving unionized firefighters more freedom." I very much appreciated that article as well.

I also need to thank my constituents in Waterloo-Wellington. In the fall I sent out a newsletter about Bill 30 to all the homes, farms and businesses in my riding. I included in this newsletter the verbatim Hansard of what was discussed at second reading. As well, I included a postcard. I asked people to send it back to me if they agreed with me and supported my bill. I was heartened and encouraged by the response. I received more than 400 postcards back, and I'm continuing to receive them through my Web site.

I thank my constituents who have supported my efforts on this and so many other issues during the last 12 years that I've been privileged to serve, representing first the riding of Wellington and now Waterloo-Wellington. I also want to thank my executive assistant, Andrew Juby,

who worked with me for the last couple of hours to organize my thoughts in a way that we could present to the House, having just been informed this afternoon that this debate would take place at 6:45 tonight.

Most of us have the opportunity to vote on private members' bills according to our own beliefs, the opinion in our constituency and, most importantly, according to our own consciences. I believe that private members' business is an important opportunity for MPPs to bring forward important issues. I believe very strongly that private members' bills, when supported by the House, should be considered for final passage into law. I was very pleased to be part of a process on the standing committee on the Legislative Assembly which recently has brought forward a report to this Legislature to try to enhance the role of the backbencher. It included a number of suggestions with respect to private members' bills.

For example, the member for Toronto-Danforth has a bill which I know she sincerely wants to see passed into law for the right reasons. I intend to support her bill at third reading if it is called for a vote, and I say that her bill should be called for vote. There are other bills that should be voted on at third reading.

At third reading, we have to be conscious of the fact that with this vote a bill may very well pass into law. I would say especially to our cabinet ministers, whom I work with every day and respect very much, that each of you needs to consider your position on this bill very carefully. I understand for many of you it's very difficult, especially at this point in the electoral cycle. If you think you are opposed to my bill, I'm asking that you examine your own conscience, thinking of why you are opposed to this bill. Perhaps it is a good reason. Honourable members will disagree on public issues; that's the nature of this place. That is why we have this Legislature: to debate and then decide. I hope your reasons are not primarily based on political expediency. As a cabinet minister, is it not your responsibility to think of the interests of the whole province, not just of some of the special interests in your riding?

In conclusion, I want to state again that I have the deepest respect for all our firefighters in the province of Ontario, full-time and volunteer. I appreciate their dedication—I gather some of them are in the gallery, and we welcome them here tonight—their professionalism, their courage and their valour. I especially appreciate the work done by the double-hatters, who are prepared to apply their dedication, their courage and their valour to enhance the protection of their home communities. Bill 30 is a tribute to them, and I ask all members of this House to support its final passage into law.

#### ROYAL ASSENT SANCTION ROYALE

**The Acting Speaker (Mr David Christopherson):** Before I move on to the next speaker, I beg to inform the House that in the name of Her Majesty the Queen, His

honour the Lieutenant Governor has been pleased to assent to certain bills in his office.

**Deputy Clerk (Ms Deborah Deller):** The following are the titles of the bills to which His Honour did assent:

Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules;*

Bill 198, An Act to implement Budget measures and other initiatives of the Government / *Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement;*

Bill 210, An Act to amend various Acts in respect of the pricing, conservation and supply of electricity and in respect of other matters related to electricity / *Projet de loi 210, Loi modifiant diverses lois en ce qui concerne l'établissement du prix de l'électricité, la conservation de l'électricité et l'approvisionnement en électricité et traitant d'autres questions liées à l'électricité;*

Bill 213, An Act to improve access to justice by amending the Solicitors Act to permit contingency fees in certain circumstances, to modernize and reform the law as it relates to limitation periods by enacting a new Limitations Act and making related amendments to other statutes, and to make changes with respect to the governance of the public accounting profession by amending the Public Accountancy Act / *Projet de loi 213, Loi visant à améliorer l'accès à la justice en modifiant la Loi sur les procureurs pour autoriser les honoraires conditionnels dans certaines circonstances, à moderniser et à réviser le droit portant sur les délais de prescription en édictant la nouvelle Loi sur la prescription des actions et en apportant des modifications connexes à d'autres lois, et à modifier les règles qui régissent la profession de comptable public en modifiant la Loi sur la comptabilité publique.*

1910

## VOLUNTEER FIREFIGHTERS EMPLOYMENT PROTECTION ACT, 2002

(continued)

### LOI DE 2002 SUR LA PROTECTION DE L'EMPLOI DES POMPIERS VOLONTAIRES

(suite)

**The Acting Speaker:** The floor is now open for further debate.

**Mr Dave Levac (Brant):** I appreciate the opportunity in third reading to debate private member's Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997. The first thing I want to do, though, is make sure that people understand that in 1999, when I was elected, I was assigned the critic's portfolio of Solicitor General, and since that time, with the evolution of that particular

portfolio, I still continue to be the critic for Public Safety and Security, which includes the Solicitor General portfolio and, by its nature, corrections.

I have been going around the province, and in my own riding, discussing with many people, including three or four previous ministers, this portfolio and this particular issue that has been put to the table for us to debate, and also for us to consider the rights and privileges of our firefighters, along with the protection of our citizens, Bill 30.

It probably has been quite divisive to communities. People have been saying that it's a debate about urban-rural. They've been saying that it's a debate about political interests. They've been saying that it's a debate about money. They've been saying that it's a debate about intimidation. Quite frankly, I've been trying to look at it in a larger scope rather than, as some people have been trying to portray it, as simply letting somebody volunteer in their community. That portrayal is not the only issue that needs to be debated here. We need to put on the table some important points that need to be raised.

As part of my own personal background in terms of firefighting, I'd like to point out to the House that before being elected I volunteered as a chair and I created a group called Friends of the Firefighters. There was a need in my community for some equipment. After doing a little bit of educating, because some friends I went to high school with are firefighters—to them I always tip my hat and say, obviously on a personal note, I wish for their safety and security and also for that of their families.

We needed a thermal imager. It's probably seen as one of the most innovative pieces of equipment for firefighting since the Scott Pak. The reality is that up until the thermal imager, firefighters had to go into buildings in a fire—not as glamorous as they make out in the movies or TV—completely blind. The old expression, "You can't see your hand in front of your face," is actually true. They put me in a smokehouse and explained to me what I would be going through. I could not see my hand in front of my face. I grabbed the thermal imager that was provided to us as a sample and I not only could see my hand, I could see right across the room, and I could see where they had hidden the dummies. I could see everything.

Before they had this machinery, they would have had to do a pat-down. What they would do is get on all fours and feel their way around a room. It would take about two to three minutes to clear a room and, as far as a house is concerned, it would take them far too long. We know what the consequences are of not being able to do that. Because of their training and because of their experience, they would be able to find bodies quickly but, unfortunately far too often, not fast enough.

Why am I bringing this up? I am bringing this up to bring to everyone's attention that we're not talking about doing a little electrical work on the side. We're not talking about digging a hole for a swimming pool. We're talking about somebody who risks their life in terms of



doing firefighting, and that's being done by both volunteers and professional firefighters whenever they fight a fire. I want to make it perfectly clear that I understand, admire and respect immensely in all senses the firefighters.

I am proud to say that our committee was able to raise enough money to buy three thermal imagers for the city of Brantford and three more for the county inside of its volunteer force. So now we have six thermal imagers in my riding alone because of fundraising and because the people of that riding felt so compelled to make sure that their firefighters were properly equipped.

That brings up another question that I'm going to put out and maybe a comment about that because it has something to do with this bill, when I brought up amendments to the bill that were defeated. All three were defeated quite handily by the four members on the other side.

I want to refer us to the official Hansard of the debates of Monday, October 21, and Tuesday, October 22. I would refer people to those statements and those questions. When the member for Waterloo-Wellington brought up the fire marshal, I'm awfully glad that he did, because there are some differences of opinion as to what was said by the fire marshal. My interpretation of the letter from the fire marshal, and I did ask him a couple of questions, was that he had one meeting of the stakeholders to debate and discuss this bill. He made a few phone calls and he said he had a deputation given to him. So he as a negotiator decided, after one meeting of the stakeholders, that we were no longer going to be able to do that.

My own personal experience has brought me to this place after teaching and being in education for over 24 years. For eight of those years, I was a negotiator for the teachers' side on the teacher-board negotiations, and the first thing I learned was that one meeting did not make a negotiation. As a matter of fact, in one meeting, the first meeting, we usually ended up having some pretty ridiculous proposals from both sides put on the table, and we knew—we knew—that was going to change. We knew that when you put the positions out, you did a little give-and-take, and that when you negotiated, you understood that this was going to be your best foot forward and then see where you could find the middle. But in this case, the fire marshal decided after one meeting, "It's impasse." Impasse doesn't even declare improper negotiations; impasse gets declared by an arbitrator, another person in a task force, shall we say.

That brings me to my amendments. This is the amendment I offered to this particular committee, which, by the way, after the third meeting, clause-by-clause, had three brand new Conservatives, three brand new people who hadn't gone through the process. They ended up being subbed in at the end of the meeting. I wanted to point that out, just for your curiosity.

"Commencement

"... Subject to subsection (2), this act comes into force on a day to be named by proclamation of the Lieutenant Governor.

"... comes into force on the day this act receives royal assent."

What I was asking for was a delay, that the bill could pass but didn't get proclaimed for six months. Why did I ask for that? I asked for the proclamation not to do it because commencing on the first day of the month that it receives royal assent and ending on the last day of six months after the Volunteer Firefighters Protection Act receives royal assent, "the fire marshal shall ensure that the issue of salaried firefighters who also work as volunteer firefighters be subject to no less than twice monthly meetings in order to resolve issues relating to and arising from salaried firefighters also working as volunteer firefighters."

Participants at meetings: the fire marshal shall be responsible for calling all these meetings and shall include representatives from AMO and other organizations representing firefighters, volunteer firefighters, trade unions representing salaried firefighters, representatives from the fire marshal's office and any other such parties that the fire marshal thinks have an interest in the issues.

They report no later than the first day of the seventh month after the Volunteer Firefighters Employment Protection Act receives royal assent. "The fire marshal shall report to the minister on the progress that is made at the meetings in resolving the issues relating to and arising from salaried firefighters also working as volunteer firefighters."

Basically, in a nutshell, what I asked in this amendment was to make sure that we had a really decent kick at the can, so we had an opportunity to debate fully and to come to consensus and possibly bring all the people in to negotiate, to try to find some ground in there that we could present to the minister as, "Maybe we've got a solution here." But we only had one meeting and, quite frankly, that's not good enough.

Another thing that happened: I also asked in one of my amendments:

"Provincial review of funding for volunteer firefighters

"... The minister shall annually review on a province-wide basis expenditures made on volunteer firefighters and the affordability of the use of volunteer firefighters to ensure that appropriate funding is provided to support the volunteer firefighters."

That amendment was deep-sixed as well. Why? Because it made the province accountable to make sure they found out if they were providing any funding to those municipalities. Almost every single deputation made indicated that we can't afford this. We've got to have the bill. Why? Because if one double-hatter leaves, we can't afford it.

Another issue that comes as a result of that is the one that was used—and as a matter of fact, I received a phone call from the volunteer fire service in my riding that actually took offence to an awful lot of the deputations that kept saying that we need those professional firefighters in our force in order to have it a better force. They said that they were trained and as professional as

anyone else and they resented the fact that they were continually almost made to look smaller. So that puts a little bit of a kibosh on the whole idea that without the professional firefighters, municipalities wouldn't have good fire services.

I had phone calls from some of the chiefs of those small towns, who said, "Don't count me in on the logic that's being thrown on this bill, because what's happening is that they're lumping us in with all those people who proclaim, some of them municipalities, we can't afford this." We had an amendment that took care of that. Then we had an amendment that took care of whether or not the training and the professional hiring being done by the municipalities or the province provided them with opportunity to put the money in. That ruled out that whole argument, and now we've got municipalities and some fire services stepping forward, particularly fire services, and fire chiefs saying, "Wait a minute. Don't lump us in with some of the statements people are making here. Our fire service is second to none. Don't make us part of your argument to say that if we remove double-hatters, it's all gone."

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The fire marshal himself did not say that the province is going to hell in a handbasket with this issue. What the fire marshal did say is that if all at once every double-hatter were removed, which he is supposed to comment on, not the affordability—is whether or not it's safe. His implication was that if all of them were removed, then there would be a safety and security issue of concern, not just simply holus-bolus. Well, that's not what OPFFA was asking for. The OPFFA wanted to come to the table to offer different variations, as did the chiefs.

So I'm saying to you, Speaker, that we never had an opportunity to get to the table to talk about these options, to actually negotiate those. That's why I was discouraged by it. So as soon as they defeated those amendments, I came back and I wrote a letter to the minister: "I've attached the amendments I offered to Bill 30 during the committee hearings that were defeated. I would urge you to give Bill 30 careful consideration. It may have such a large impact on so many groups in Ontario. The mood surrounding this bill is explosive on all sides, and I have serious concerns if this bill should be passed.

"I would offer you my suggestions for a conciliatory resolution to the double-hatter issue. Firstly, I would suggest an all-party committee to monitor this situation and ensure that the appropriate consultation process is in place between all stakeholders.

"Secondly, I would suggest, if that's not doable, a task force be struck by a third person that would assist all parties to come to an equitable solution that satisfies all involved.

"I look forward to discussing my ideas further with you in detail and I am hopeful that you will appreciate the seriousness of the situation."

No response yet, but that was only November 21. I have to give the minister respect in terms of his ability to respond as quickly as I would like.

But, Speaker, I would suggest to you that this issue is strong enough that a task force should be seriously considered.

I'd like to mention that the mayor of Mississauga was brought into the debate in terms of the support for the bill.

"Dear members of Parliament"—by the way, during a press conference that was held, one of the mayor's quotes was, "Nobody can afford this any more. We can't do this. Where is the money coming from?" Well, I suggest very respectfully that maybe she should have turned her wrath on to the government for not giving 50-cent dollars to fire services like they do for police officers. Maybe that's another issue that should be considered.

Here's the letter Hazel McCallion, the mayor of Mississauga, wrote:

"Dear members of Parliament:

"I asked Tim Hudak to send me a list of the caucus members that voted against his bill regarding the double-hatter issue.

"I asked for the list so that I could write a letter emphasizing the necessity for you to vote in favour of the bill.

"If this bill is not approved, the financial impact on the rural areas will be enormous and I can only assume that those who vote against the bill are prepared to set aside a huge amount of money to finance the rural municipalities that depend completely on volunteers to run their fire department."

Well, if they had accepted my amendment, we might not have had to be worried about that, Hazel.

"There is no way that the property taxes in a rural area can sustain a full-time fire department and I am pleading with you to support Tim Hudak's bill.

"All professions volunteer to help communities and the professional firefighter should not be deprived of this opportunity and privilege to serve as a volunteer in the community in which they live.

"I ask for your support of this bill."

Well, Mayor McCallion, the writer, whoever it was, sent the letter to Tim Hudak and not Ted Arnott, and also cc'd a copy to Tim Hudak, the Minister of Consumer and Business Services. So I would hope she would rewrite the letter and send it back out again, and send one to Mr Runciman and along with it one of my amendments that would have taken care of what Hazel McCallion and many, many other people had said was their major concern, which was financing.

I have about seven or eight different items I could go through. The one I will bring mention to is amalgamation in terms of those people who had to suffer through that. I want to reiterate this as a bigger-picture issue as opposed to specifically Bill 30, and that is that amalgamation created an awful lot of this headache.

Amalgamation was not thought out by this government whatsoever. If it had thought it out, it probably would have been able to come to grips with the reality that they were creating a very large problem for those municipalities that had to face this issue. I am told by



many people in the professional firefighter association groups, and firefighters across the province are saying, "You know what? The province didn't know what they were doing. They didn't even have a clue about the problems they were creating in firefighting and other services."

There are a couple of other points. I will bring them to our attention. The first one is that of emergency first-response teams. I would respectfully suggest that we haven't looked far enough into the future about what we're going to do with our fire services. Our fire services are slowly becoming more than simply fire services, although their primary focus is suppression, which it should be. On another side of the bill, it says that you're supposed to be an educator to make sure that we do fire prevention, which I fully support. But in terms of suppression, we want to talk to the government side and simply say to them, "You're really dropping the ball on this one."

These teams are now evolving themselves into emergency first-response teams. If that volunteer is going to be a member of that emergency first-response team, that person is going to be on duty immediately and is going to be expected to be there until the emergency is suppressed. We're going to go beyond suppression of fires; we're going to be talking about an emergency first-response team, that's a whole new beast. This bill is going to create more problems for that issue. We're not looking forward. I would ask the government and all the members who are going to vote for this bill to be quite sure that you know what you're asking for when these things are going to evolve into a first-response team. It's a lot different from suppression. You must be aware of that. I ask you to look carefully into what you're creating when you're asking volunteers to do that.

There are regulations in the act already that say you're only supposed to give 48 hours of service in a week. I would ask, how many people are going beyond 48? Is somebody keeping track of that time? Is somebody going to say, "Oops, you're on your 48th hour; you've got to stop. Put that hose down. Don't save that kid. Get out of here; you're on your 48th"? I want to make people understand that we're talking about multi-layered problems here that are not getting dealt with, I would rather say, with a linear-thinking bill.

The other issue I bring to everyone's attention of why I can't support this bill—and I would suggest to you that we have to do this—is to review the fire marshal's office and its actions. We've got to take a look at what's going on here. We've got some really weird things happening. In one case, in Sudbury we're looking at situations where one person is allowed on a truck and we're calling into question some of the things that are happening. Fifteen to 20 different municipalities are put on a list to say, "We're just going to let you know there are some safety issues that could be happening here." Yet, on the other hand, he's supporting a bill that could create that same problem.

So I'm not sure whether or not the fire marshal's office holistically is understanding the depth at which

they're making this decision. I'm not questioning the individual; I'm questioning whether or not there's consistency in the decisions being made in the fire marshal's office, because I asked him. The OFM's concern was that these actions had a potential—he used the word carefully—to result in a sudden withdrawal of services of two-hatters throughout the province. So now we're talking about what might happen if the bill doesn't pass or what might happen if the bill does pass. All of a sudden what he's saying now is that if all those double-hatters are removed, then yes, there may be some potential for difficulties.

That got brought up by several of the municipalities. What they said was, "We can't afford this action. We can't train them. We can't do that." That's what my amendment was trying to say. My amendment was saying to the municipalities of the province to sit down at the table and make sure that you're providing enough funds and supervision. The same fire marshal who says 10 in 10—the expectation of the standard of 10 in 10 is just a guideline now for those rural communities that are complaining that they can't afford it. So maybe it's just a guideline. There's so much inconsistency there.

It's time for us to take a good, hard look at what we're providing in terms of fire service in this province. If the one thing that's happened as a result of this bill is that we take a good, hard, linear look at what's going on, then I've got to tell you, we're in trouble. We're in deep trouble if we're not going to analyze what's happening inside our house. And if we think that the one bill is going to solve that problem, I will repeat myself time and time again. This is going underground, if you think this is going to be solved. It's going to rear its ugly head again. Get the stakeholders to the table to discuss that issue, and I'm sure that we can come up with a reputable example for all of us in the province.

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**Mr Peter Kormos (Niagara Centre):** Speaker, let me indicate at the onset of this brief amount of time that I have to speak to this bill on third reading that New Democrats do not support this legislation. New Democrats oppose this legislation. New Democrats do it without weaving and bobbing. New Democrats oppose this legislation head-on.

New Democrats, as a party of labour, stand firmly with, in this instance, the Ontario Professional Fire Fighters Association, or it could be the IBEW or OPSEU or any other number of unions and associations of workers. We believe they have the right to set their own constitution, to set standards for their members. If there is to be a change to that constitution or to those standards, that change has to come from within that organization, from the floor of a convention, whether it's a national convention here in Canada or an international convention in the United States of America, plain and simple. Make no mistake about it: we are unapologetic and far from embarrassed about our united support for firefighters around this issue. Make no mistake about that.

This has been a regrettable debate. One would have thought that firefighters across this province would have

recognized the significant dangers that firefighters have been confronted with by virtue of this government's policy of downloading and underfunding municipalities and municipal services, firefighting services among them. I believe that firefighters' time would have been far better spent over the course of the last months lobbying this government aggressively to ensure that municipalities across this province have adequate resources to develop (1) effective professional firefighting services where they are warranted, and (2) where the communities are such that a volunteer service is consistent with the size and location of the community, aggressively lobby for adequate support for volunteer firefighting services to be properly trained and properly resourced so that they can do the job that indeed we and the professional firefighters understand volunteers do.

This issue is not an anti-volunteer firefighting issue. I have spent enough time with members of the Ontario Professional Fire Fighters Association to say, and I believe this firmly, that it is not an issue of volunteers when it comes to the Ontario Professional Fire Fighters Association either. The OPFFA has indicated over and over and over again on the record that they understand there are communities that are not sufficient in size and that are so dispersed and have so modest a tax base that it would be unrealistic to expect that community and its taxpayers to develop an exclusive professional firefighting service or, in the case of many, even a composite firefighting service.

The issue has been very clear, and I refer back to the hearings that were held around this bill. I attended those hearings, throughout the course of the hearings, on behalf of the New Democratic Party. I want to indicate that I was concerned because over the course of those hearings, when a number of witnesses came forward, I saw the government bench at those hearings have members shifted in and out. Some of my concern around that was because it was my suspicion that at least one, perhaps two of the government members sitting in that committee were making it quite clear by virtue of the questions they were asking and the comments they were posing that they indeed opposed Bill 30 as well. I found it an abuse of the committee process of some significance to discover that a government member who may well have been persuaded, as it appears some of them were, of the legitimacy of the position of the Ontario Professional Fire Fighters Association, rather than being allowed to express their view by way of a vote, simply being shuffled out of that committee and subbed with somebody who was going to follow marching orders, who hadn't had an opportunity to hear the evidence that had been presented, or participated in, never mind listening to, any of the debate that occurred in that committee. Needless to say, that was a peculiar thing in its own right.

There's not a single member of this Legislature who ever has—and, I'm confident, ever will—stood up and spoken with anything other than praise for firefighters. So I'm not going to spend a whole lot of time on platitudes about how much we love firefighters. But we

don't trust them to form their own association and create their own constitution, and we don't respect them enough to allow them to determine their own internal affairs within that association. Oh yes, we love firefighters, but we don't love you enough to write your own constitution. We respect firefighters, but we don't respect you enough for you to set standards within your own organization. Sorry, friends, you're either with firefighters or you're against them. And if you're not with them, I regret to tell you you're against them. There's no halfway point here. One either understands how a professional association or trade union works and why it exists, or one doesn't.

I understand that there are members in this Legislature who don't have regard for workers, be they industrial workers, be they farm workers or be they firefighters. I understand there are people in this Legislature who don't have as much regard for them as some others might. I believe as well that there are some in this Legislature who have no regard whatsoever for professional associations or trade unions. There are people in this assembly who have made it quite clear, in act and in deed, that they don't like trade unions and professional associations. They don't think there should be free, collective bargaining.

Indeed, we've seen from this government some efforts—regrettably, some of them successful—to impose arbitration standards on associations and groups of workers that are the most uneven, biased, unfair and predictable arbitration standards that have ever been imposed on any body that had to rely upon arbitration, with its long, noble history and tradition of fairness that has been all but erased, more often than not by this government. And when it hasn't been all but erased, it's only because of the opposition, and New Democrats will take some credit for having been involved in some of those struggles—we have—ensuring that when arbitration has been imposed upon workers, that arbitration, the mandate of the arbitrator, the terms of the arbitration and the selection of the arbitrator are fair and indeed permit some expectation of justice on the part of both parties, workers as well as their employers.

I understand full well that my caucus, my colleagues in the New Democrat Party here at Queen's Park—Howard Hampton from away far north, through to other parts of the north, through to Toronto and all the way down through Hamilton and into Niagara—find ourselves perplexed by some of the contradictions. During the committee hearings I heard one witness who was advocating on behalf of the legislation saying it wasn't about money. Then, remarkably, that witness was followed by one who said everything had to do with money.

I was amazed that municipalities that employ, train and maintain professional firefighters—not all of them, but some—appeared unconcerned about the fact that their trained full-time firefighters were being used by other municipalities, sometimes neighbouring municipalities, as volunteers. Down where I come from, we have, in the largest part, composite fire departments. I know the



volunteers well, and I know the full-time firefighters well. I know why young women and men join volunteer fire services. Down where I come from, all of them have an eagerness and desire to serve their community. Most have a very specific interest in firefighting and the skill and training involved in it. More than a few have a desire to use their experience as volunteers to demonstrate to the chiefs of full-time firefighting services that they've got what it takes to be a firefighter.

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I'm proud to see a whole lot of the full-time firefighters, a whole lot of the OPFFA, members of the communities that are part of Niagara Centre, having, if you will, cut their teeth in the volunteer services. I don't think they should make any apologies about the fact that they use volunteer services as a stepping stone, as a way to prove their stuff to get hired when there's a vacancy in the full-time firefighting service. But I say to you that I haven't met one yet who, as resources for volunteer companies and composite communities become scarcer and scarcer, thinks it's fair that somebody who's already a full-time firefighter in, let's say, a neighbouring municipality should bump them from a shorter and shorter list because of the pressures on communities flowing directly from this government's policies. Even in composite communities, the pressure is on to reduce the number of volunteer firefighters.

I also accept that the Ontario Professional Fire Fighters Association has a mandate that's inherent in its very *raison d'être* to not only advance the interests of its members as they exist at any given point in time, but also to develop standards for professionalism across the province. That's why New Democrats have advocated, have embraced and continue to fight, along with professional firefighters, for minimum staffing and response times. Again, if we had had our wish, I believe the debate tonight would have been far more productive were it about this province providing resources to give effect to the minimum response times and minimum staffing requirements that are universal and are clearly the minimum standards, one for urban settings and one for rural and remote settings and volunteer firefighters—a far better use of this chamber's time, far more productive, far more meaningful to the people of this province who rely upon firefighters day in and day out, 24/7, whether it's for fire suppression or for a medical response or for a motor vehicle accident—single-car, two-car or, as we saw tragically on the highway at Barrie over the weekend, a 40-car accident—or when it's one of those catastrophes. And since September 11, we no longer have to use our imaginations to conjure up a worst-case scenario. It exists in vivid reality for all of us, etched in our memories. Whether it's an arena roof collapsing, whether it's an industrial explosion, whether it's a natural catastrophe, it's firefighters, and I respect those firefighters. New Democrats respect those firefighters. If they're good enough to put our lives in their hands, then surely the structure of their very own constitution should be in their hands as well.

During the course of committee hearings and during the course of some of the debate that percolated throughout the province around this Bill 30, I heard a whole lot of talk about Bill 30 somehow being contrary to the charter or “contrary to my rights.” I understand—we all understand—that Bill 30 is considered by some of the double-hatters to be effectively an impediment to their double-hatting. I understand that. But during the course of the public hearings, we received not one legal opinion to suggest there was even anything remotely contrary to the so-called Charter of Rights and Freedoms about article 15 of the IAFF's constitution. I put to the House that it's not for the Legislature to conduct those types of legal interpretations. There was no suggestion that there was any sort of *prima facie* violation of the charter. If some people think there is, then it's incumbent upon those people and the people who support them to utilize the courts to determine whether or not that's the case. New Democrats see that as a rather plain, simple and obvious proposition as well.

Will there be financial hardship? Will there be immediate difficulties to those municipalities which currently use full-time firefighters, OPFFA members, in their volunteer firefighting services? Of course. That's why the OPFFA has been eager to engage in a process of negotiation with municipalities and volunteer fire companies across this province to develop a phase-out to avoid that immediate hardship which would flow from the immediate removal of professional firefighters from volunteer company services.

New Democrats were disappointed when we saw the provincial fire marshal appear at the committee after, as we understand it, but one meeting with the parties involved to indicate that somehow this process had been deemed, by him at least, a failure, and not only that he had rejected it now and wasn't prepared to pursue it any further, but that he had adopted what I consider to be a regrettable partisan position which may well make it difficult for our fire marshal and his office to maintain the trust of firefighters across this province. I regret that.

That's why New Democrats join with firefighters across Ontario in demanding that there be an audit of the fire marshal's office to determine whether or not that office has fulfilled its mandated responsibilities in a way that's responsible or meaningful, particularly around adequacy of firefighting services in municipality after municipality.

That's why New Democrats, time after time and as often as we've had the opportunity, have stood in this Legislature to indicate that it's not enough to extend platitudes to firefighters. We all wish them well. We all mourn and regret any injury to any firefighter, never mind the tragedy of a death. But we've also made it quite clear that platitudes don't cut it, nor quite frankly does this divisive issue, because this issue doesn't improve the lot of firefighting one bit here in Ontario.

New Democrats have been consistent in calling upon this government to stand up and be counted, that if this government really believes in its firefighters, this gov-

ernment will make sure that municipalities across this province, be they a big city like Toronto or Mississauga or be they smaller towns like the cities of Welland, Thorold, Pelham and St Catharines or be they small, small towns like the cities my colleagues Howard Hampton, Shelley Martel, Gilles Bisson and Tony Martin represent in the north, have the cash resources. That's what it comes down to: the cash resources to make sure their firefighters, be they volunteer or full-time, have the tools and the staffing to do the job they're called upon to do, to do it as safely as possible, to do it as effectively as possible.

Earlier today, medals of bravery were given downstairs, here in this assembly building, to amongst others firefighters. The tributes paid to those firefighters, who truly are courageous—and the firefighters who were receiving those medals here today are merely representative of so many of their sisters and brothers across this province—become meaningless if we don't pay tribute to them by respecting their right to conduct their own affairs in the way that they see fit.

This isn't an issue of US versus Canada. It's not an issue even of volunteer versus full-time. It's very much an issue of this province's underfunding of municipalities, of the downloading on to municipalities and the reduction in transfer payments. It's very much about this government setting standards for municipalities, then refusing to fund those municipalities when it comes to fulfilling or meeting those standards. It's very much about an anti-union mentality, an anti-union sentiment, an anti-union bias that permeates so many sectors here in this chamber.

New Democrats oppose this legislation. New Democrats stand with firefighters and New Democrats stand with the Ontario Professional Fire Fighters Association. We are a party of labour. We stand with those women and men, in this instance firefighters, amongst the most courageous of our population, amongst those most ready to sacrifice. Let's give them their due.

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**Mr R. Gary Stewart (Peterborough):** It's my pleasure to stand and chat about Bill 30 for a few moments. To me, it's a shame that we have to be debating a bill like this in this House, a bill that has to protect the rights of individuals. I heard the member from Thorold—sorry if I'm wrong—

**Hon Mr Stockwell:** Niagara Centre.

**Mr Stewart:** —Niagara Centre—say that they were a party of the worker, of the unionist. We are a party of the people, and these people want to make sure they can serve the people in their particular communities. I believe we have a right to protect them.

I heard some comments from the member from Brant a little while ago about how, first of all, they were in favour of unionizing the family farm, and now it appears they're in favour of unionizing volunteers. I have difficulty with that; I have a great deal of difficulty with it. I keep constantly—

**Mr Bisson:** Say the word.

**The Acting Speaker:** Order. Take your seat, please. Stop the clock. This is a controversial issue. I've ordered the member over here to be quiet and I'm going to ask you to do the same. We're going to get through this. We're going to do it civilized and everybody's rights are going to be upheld.

Sorry for the interruption. The member for Peterborough may continue.

**Mr Stewart:** We've certainly heard comments about funding, cash, cash-strapped and so on and so forth. This issue is not about funding. I had the pleasure of serving on the township of Otonabee council for 13 years and we had there two volunteer fire associations, two fire halls that, let me tell you this, were the finest individuals that I ever ran across. They offered protection and, in my own case, one fairly cool winter's night I had a fire in my home. I was about 10 minutes away from the fire hall and these people came and assisted me on a volunteer basis at about 11 to 12 o'clock at night, without worrying about compensation, without worrying about being an association, without worrying about funding, without worrying about anything other than volunteering to help me put out a fire in my house. Let me assure you, I have often thought about that particular evening since. My family was there; we could have been burnt, the house could have been burnt down. But these volunteers put their lives on the line to come up and assist me in getting that fire out.

These were a cross-section of farmers, mechanics, teachers—one happened to be a minister, who handed me some water because I was up in this loft area just as they arrived and I had a light bulb in my hand, which I said a couple of very derogatory words about to the minister. Anyway, he stayed around and helped fight the fire. But they were a cross-section of people from the entire community. Not only were they volunteers for the local fire department, but they were also volunteers in many things in the community. Whether it was for Santa Claus parades or food banks or teaching in the schools or whatever, they believed in assisting their community. I believe that's what this bill is about.

I don't want to use the term "double-hatters." I want to use the term "professional firefighters." In my mind, it doesn't matter to me whether you belong to an association or you're a volunteer; you are a professional firefighter. I have some good friends, both those who belong to associations and are also volunteers, and some who are just volunteers, and I commend them for that.

If you look in my particular riding, we have about seven or eight volunteer fire departments as well as Peterborough. This problem that has arisen throughout a lot of Ontario is not a problem in my riding. It hasn't been and I don't think will be because they all get along. I have difficulty when they say, "If you don't belong to our association, you can't volunteer." I would have hated it on that particular night when there was a fire in my house, that the chap that lives over the hill on the next farm to me would have said, "I can't go out and help Mr Stewart try to get his fire out in his home because I'm not allowed to do that." I have real difficulty with that.



If you talk about people doing double things, we have professional firefighters in this province who do plumbing, who do electrical work, who do carpentry, who build homes, who do all of these things, and do they have to become a member of those associations? No; they go out and do it two or three times during the week.

*Interjection.*

**Mr Stewart:** Well, it may be classed as that. I wouldn't want to get into that debate. All I'm saying is that they indeed do things that other people should do.

I want to support the member. I also support all the professional firefighters in this province, including the ones who are members of the association of Peterborough. They are all professional people and they also should be supported. But nobody has the right to say, "Unless you belong to my association, thou shalt not work at something else," the same as these guys doing these other extracurricular jobs.

I support the member and I support all firefighters in this province.

**Mr Mario Sergio (York West):** I want to add my comments to Bill 30. I hope that I can make it as interesting as possible for my colleague on the other side of the House when he said that he will be appreciating my comments. I hope not to disappoint him. Perhaps I should refer to the comments of my colleague the member from Brampton, who is extremely familiar with the issue and has done excellent work on behalf of both the professional full-timers and part-timers. It is very unfortunate that the House doesn't work in this particular way, that sometimes those people who are closer to the action, who are closer to the real knowledge of the issue, are not allowed to bring to the House that particular knowledge.

We are dealing with Bill 30 because the government says we have to deal with it because it is in front of us, it is in front of the people, and we have some of our forces in the House overseeing how the action really will be taking place in the House.

Let me try and address the best I can, in the brief time that I have, this very important piece of legislation. I should say at the outset, why are we dealing with this particular piece of legislation at this very—

*Interjections.*

**The Acting Speaker:** I'm listening carefully. I'm finding it difficult to do so. I would ask members of the third party, please, if you're going to have discussions like that, that get loud, if you could take them outside, otherwise keep it down, and the government benches over here. I don't think anyone's trying to interrupt on purpose, but that's the effect you're having. I'm asking you to please keep it a little quieter so that I and the others can hear the member. Sorry for the interruption; please continue.

**Mr Sergio:** Perhaps it's the time and the hour. The midnight sittings just may have an effect on the members. Let me continue on the subject of Bill 30, which deals with our volunteer firefighters. They are all firefighters. They are all professionals and I am sure that all of them want to offer the best of their profession. I

believe we have a number of agencies that have an interest in this, let alone our own forces. The firefighters have this bill and the interest of the bill at heart.

We have the Ontario Professional Fire Fighters Association, which leads the way. We have the volunteer fire departments, we have the fire marshal's office, we have the Ontario fire chiefs, we have the Ontario municipalities and everything that encompasses the various servicing problems with municipalities, and now we have Bill 30. So you can see that you have so many parties, so many agencies involved in this one issue, and it's a very important issue.

**2000**

I have to say, from what I have seen out of the House and in this House in the debate on both sides, that it has become, if my knowledge of the issue allows me to say this, very unnecessary to bring this divisive issue to the House.

My colleague the member for Brant mentioned before that this was dealt with at some length at the committee level. The member for Brant suggested a number of amendments to the bill. The member for Brant said that none of his amendments were accepted by the government members, amendments, I should say, that indeed not only would have improved the quality of the bill but would have given an opportunity to deal with this issue out of this place without creating a further, more complicated, more divisive situation.

I believe that if my colleague had the time, he would have continued saying that an opportunity was offered to both sides to delve into the real issues and deal with them. Failing that, my colleague from Brant said that maybe we should have a task force and make sure that whatever separates the two sides is dealt with very openly and in a fashion that at the end would benefit both sides.

*Interjection.*

**Mr Sergio:** It doesn't. I appreciate the comments from my colleague on the other side, but it doesn't address the issues on both sides, the way this bill is being presented, the way the government wants to have the bill dealt with by this House. There are some serious issues, and now I have to say that it doesn't really matter which way we go; we will be upsetting one or the other side.

The unfortunate thing is that it's not we in this House who are caught in the middle. When we go home to our own areas, joining the people out there, those are the people who ultimately will be affected, the people in the various communities.

Why are we having difficulties with this bill? Why do the members of the Ontario Professional Fire Fighters Association have a problem with this bill? It is because of the way the bill has been introduced and pushed through the various committee stages, and now the way it is in front of us. It is a comprehensive piece of legislation and it does not have any regard for how it affects the various municipalities throughout Ontario, large and small. Indeed there are municipalities that, especially on this important issue, meaning fire protection, should have

dealt with it on their own, on a one-to-one basis, on an individual basis. Unfortunately the passage of this bill would not allow that. Sure, the government always reserves the right to say, "We will deal at some point in time with a regulation that we may change," and so forth. Why do we continue to push ahead with incomplete, unacceptable legislation when we had the time and the venue to do it right?

Are they different people, the ones who have the 48-hour-a-week professional firefighter jobs and those who are called to serve on a part-time basis, on a pay-as-you-go basis, if you will? They are all professionals. But there is more to it than that. Those who are called to serve in the smaller communities cannot, not because they don't want to, offer the quality of training, because often they are called to train other people in smaller communities or they are not up to date with either equipment, new facilities, new instructions, new programs that are not available to a full-time force. It's a 40-hour-per-week job. It's in the act that any other time after the 40 hours should not be dedicated to the work of providing fire service protection. I guess that is the main issue of Bill 30: firefighters' protection for those people.

As I was saying before, why are we here? Again, it's because of the downloading of this government on the various municipalities; not only the amalgamation of a number of municipalities, but then the downloading on top of that of other services on the local municipalities. What happens? Small municipalities don't have the resources. Please, don't let me hear from the other side, "Oh, yes they do." Let me tell you, if the small municipalities had the resources, most assuredly, Walkerton would have never happened. I cannot buy that the problem was a long-standing problem. Perhaps it was, but when you start to chop 40% off a particular budget and fire some 30% or 40% of the professional staff, don't tell me, don't let me hear from the other side, that they have all the professional equipment and training. They cannot have that.

I believe that today the government has an opportunity to say, "Well, if there is something wrong, then let's try to correct it," so that we would have a piece of legislation that ultimately would be offering every municipality in Ontario, indeed every community, the protection that they deserve.

The other thing is, I believe this government, the provincial government, has a very direct responsibility to make sure that indeed every municipality in Ontario, every community, has the same protection as any other. When we allow this particular situation to continue, I believe we will create two things: one, that many communities will not have the same protection; two, we also put in jeopardy the health and safety of our professional people and firefighters.

Why, for example, do we have an act that says, "Forty hours per week, and you cannot do any other fire protection work in other municipalities"? It becomes redundant, because they have a responsibility, health-wise, with injuries or possible death. It's considered a dangerous job almost at the same level, if not the same,

as our police forces. If we're to allow, let's say, the police forces to start moonlighting here and there—we cannot call them volunteers, because they get paid as well. They do get paid; not as much—\$10, \$15, \$20 or \$30 per hour—but they do get paid, so they are not really volunteers. Are we saying that now we will start allowing our police forces to go and do volunteer work here and there at the expense of other areas? I don't think so.

I think the government must be aware of the situation they have created. Our professional firefighters didn't create this situation. We have some 10,000 professional firefighters and some 20,000, I believe if my mind serves me well, volunteers. I think the legislation affects maybe some 600, 700 or 800. It's a small portion, if you will. So why couldn't this have been corrected in time? Now we have the legislation that is a hindrance to those negotiations that should have taken place or should have continued to take place. But now we have, in the middle, a piece of legislation that has stopped every possibility of getting those sides together.

#### 2010

I believe the government has also seriously failed to recognize the importance of the issue when it comes to fire protection. They should have acted quite some time ago and more forcefully to get the two sides to come together. If they couldn't, then you get an intermediary, you get a task force and make sure. Since when is the government choosing sides and forcing one side against the other? Only when it suits the government.

I think the bill was introduced by Mr Arnott with some good intentions. Maybe he had some good intentions when this bill was introduced. But their mistake was that when the bill went through the motions of various committee levels, they didn't hear the professional people and they didn't hear the opposition with good, sound amendments. That is why the bill is here today the way it is.

It may be too late. But our provincial government must assume a lot of the responsibility for allowing another incomplete bill to be brought to this House, to this floor, especially dealing with such an important service.

We have said on this side of the House that if we have these problems it's because of the cuts, because of the lack of resources. Our leader, Dalton McGuinty, has said that is an area where indeed we have to help. We have to provide the service, the quality, the training and the equipment. That is why we have said that one of our priorities, as my colleague the member from Brant said, is to provide more thermal imaging equipment, and not only to provide better service but also to ensure the safety of our professional firefighters and to save lives faster, when it is required.

Municipalities can't afford that. They don't have the resources. If the government will be pushing the bill as it is, we will do nothing more than compound the problem as it is and it will get worse. The division will continue and they both will suffer. The sad thing is that, ultimately, the people will be the ones to bear the brunt of this incomplete legislation.



Those agencies that have a stake have been told, "That's it. There are no more negotiations. There is no more time to talk. There are no more possibilities of getting the sides together." Negotiations have come to an abrupt end because the government is now willing to pass this legislation and let the chips fall where they may.

It is too bad that when the government chooses to interfere it does it in the most delicate and important areas like, in this case here, providing protection to our various communities. Municipalities not only don't have the training, they don't have the resources, they don't have the manpower and they don't have the skills. They are looking to the provincial government for assistance. Is the provincial government willing to say, "Yes, we have made so many cuts, but now we are willing to put in a few million dollars toward that area," instead of absolutely wasting hundreds of millions of dollars on consultants without any benefit to the people of Ontario? I don't think they understand the difference between giving another contract to another consultant and putting some money where it is needed. Let the municipality make sure that indeed they will hire the necessary number of professional firefighters, well qualified and well trained, so they can offer to serve us in other municipalities. In many cases, when small municipalities are calling on these professional firefighters, they are not there solely to provide a fire service. They are there to train other people as well. Under what terms do they provide those particular services?

So I'm saying to the government and to the member, who I think with all good intentions has introduced this bill that has come this far, that I believe there are enough members on this side of the House to say, "Maybe we should have a second sober thought on this particular bill and get it right." This is not the first time we've told the government, "Take a breather. Take your time and get it right." Look, we said it here a couple of years ago with the amalgamation of Metro, let alone other municipalities. We said, "What's the rush? Take some time and do it right."

Folks, ministers on the government side, we are dealing with providing fire protection to the people of Ontario. This is a very serious issue. I hope the government, before going through with this bill, maybe tomorrow, will indeed have some second thoughts, come back and say, "All right, let's give these guys here a second chance. Let them get together and see if they can work things out so that indeed we can provide that quality of service and protection that the people of Ontario deserve." With that, I thank you for the time.

**Mr Wayne Wettlaufer (Kitchener Centre):** As usual, I've listened to the members opposite debate this bill. Thinking specifically now of the Liberals who have spoken, the member for Brant and the member for York West, as usual we've been treated to a dose of Liberal doublespeak, where they want their cake and want to eat it too. They take both sides of the issue. I think the NDP and ourselves are sitting here wondering which way they're going to vote. They probably won't make up their

minds until the day the vote is called. Then they may change their minds momentarily.

I know where the NDP is coming from; we always do. They've taken the position that the Ontario Professional Fire Fighters Association is a union, in spite of the fact that the Ontario Professional Fire Fighters Association does not view itself as a union.

While I will sort of compliment the member for Waterloo-Wellington for bringing the bill forward, because I know he believes very strongly in it, I am unalterably opposed to the bill and I will vote against it. I feel very strongly.

*Interjection.*

**Mr Wettlaufer:** I'm not like the Liberals. I'm saying what I mean right now. I will be here to vote against it, unlike you, some of whom probably won't even show up for the vote.

**Mr Sergio:** Didn't you hear what we said? Come on.

**Mr Wettlaufer:** I heard what you said, but I heard both sides of what you said, and so did everybody else, I say to the member for York West.

This is a situation where we know the Ontario Professional Fire Fighters Association is professionally trained. We know that. We also know that they are professionally trained primarily in municipalities. That's where their experience is.

Not too many years ago, I was an inspector for an insurance company. Not that many years ago, I used to go into the rural areas of this province and talk to the people who were volunteer firefighters. They used to pride themselves on the fact that they were trained as well. But they were trained to go into rural dwellings; they were trained to go into barns or rural businesses. I don't think too many professional firefighters primarily trained in urban areas know too much about fighting a fire in a barn or know the risks entailed in fighting a fire in a barn. They may know the risks of fighting a fire in a chemical institution or in urban areas where there are chemicals stored that are combustible, and even then, even with all their professional training, unfortunately sometimes they are overcome.

**2020**

A friend of mine whom I went to high school with, played basketball with, played football with, died in one of those fires. He was a professional firefighter in the city of Kitchener. He was trained professionally, he was trained adequately, but he died in spite of all the best precautions. And now, because one of those firefighters thinks that he or she would like to make a few dollars extra in a rural municipality, fighting a barn fire—we want to allow him to do so? We want to subject that firefighter to the rural risk in which he or she has no exposure, no training? Are we fools?

The rural members on all three sides here are probably saying, "Well, they are trained." They may have some initial training, and it may be professional training, but they don't keep it up through constant exposure to that type of fire. The risks are far too serious. My experience in the insurance business will guarantee it. I know from

personal experience that the risk is too great for those firefighters, and I do not want to subject them to it.

I am not speaking from some ideological perspective, like the NDP might. I am speaking from a right-wing perspective. I am speaking because I have a genuine concern for those firefighters, those firefighters from Kitchener who have come in and talked to me, explained their concerns. We have different equipment in the urban municipalities than in the rural municipalities. We have different risks.

I cannot support this bill, and I know a number of members in the government caucus will not support this bill. The Liberals—I don't think anybody knows where they're coming from at any given time, on any given subject, and certainly tonight is one of those. I saw some of the NDP scratching their heads when the Liberals were standing up, and we felt the same way on this side of the House. Some on this side of the House have some very definite opinions contrary to mine, but I know that others on this side of the House have some very definite opinions which agree with mine. But none of us knows where the Liberals are going, and I don't think they know where they're going on this particular issue. I think it's time that you guys stand up and be counted and take a position.

**Mr Gerry Martiniuk (Cambridge):** Where do you stand, Ted? Are you for it or against it?

**Mr Wettlaufer:** We ask the members as they're speaking, from time to time, Speaker, as you know—there's a fair amount of heckling going on. Most often it's quite good-natured. But we often say to the Liberals, "Take a position. What are you going to do on this?" They always ignore us because they haven't made up their own minds on this.

**Mr Martiniuk:** Ted McMeekin refused to say.

**Mr Wettlaufer:** Yes, Ted McMeekin, the member from that alphabet-soup riding, Ancaster-Dundas-Flamborough-Aldershot, refuses to say. The member for York West refused to say when he was standing. It's a very simple request. Take a position: which way are you going to vote? See, they don't even want to hear that.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** You stay in the House long enough, you'll hear it.

**Mr Wettlaufer:** I can't stay in the House long enough to hear what you have to say.

Anyway, Speaker, I want to thank you for allowing me these few moments to speak. I have to say that I'm very much opposed to this bill. While some may view it as an urban versus rural split and others may feel it's a very worthy piece of legislation, I feel it's wrong. I personally would like to see more consultation. The president of the firefighters association, Fred LeBlanc, has requested that there be a task force struck. Consult, take a longer period of time, find out exactly what the problems are, arrive at solutions and make some recommendations on which the government could act. Personally, I see no problem with that at all. As a result, I do have to vote against this piece of legislation. I think it's being forced

in this House much too quickly, and I definitely want to see a task force and further review.

**Mr Ernie Parsons (Prince Edward-Hastings):** I think this bill proves it is possible to have a bad bill for a number of reasons; it's a bad bill not just for one reason. I certainly will not be voting for this bill but will be present and voting against it.

**Mr Wettlaufer:** You took a stand. Good.

**Mr Parsons:** As the other members did when they spoke. But I appreciate that you're listening to me, when you didn't listen to my colleagues. Maybe this is a role model.

This is very clearly not an anti-volunteer bill. I myself live in a rural community. I had the misfortune to have had a fire, at about 12:35 one morning; I read that time in the newspaper the next day. I phoned the volunteer fire department. I continue to be impressed that after making the phone call, I had not yet got everyone out of our house when the first volunteer firefighter came in the door. I will never forget how good Doug Detlor looked that day when he arrived to assist us with the fire.

It is a reflection that this government really likes confrontation. I know this is a private member's bill, but I also know, even though I've only been here one term, that this bill would not have got this far if the leadership of this government did not like this bill. It would have disappeared. It is clearly here, clearly a select private member's bill, because the government itself philosophically supports it.

Interestingly, they don't terrifically support volunteer firefighters. I can remember when I put forward a private member's bill that would have assisted volunteer firefighters in my community and every other community in Ontario. When volunteer firefighters raise money for something such as a fire training house—it's happened in my community. Volunteer firefighters in my community raised \$50,000 for a fire safety training house to use in the community to educate school children, adults and everyone, and even to use as a command centre in a major fire. The provincial government thanked them by slapping provincial sales tax on it and forced them to go back out on the streets to doors to raise the money for provincial sales tax for it.

It didn't require a private member's bill. The Minister of Finance could have defined the fire safety house as a fire vehicle, but he refused. I brought a private member's bill here to exempt the volunteer firefighters from having to do fundraising to pay sales tax on something that was clearly for the benefit of the community. A significant number of government members voted against it.

So to say they're supportive of volunteer firefighters—actions speak louder than words. I do wish that this government demonstrated the same interest in firefighters that it has in police officers. There is an amazing number of parallels in their jobs but an amazing lack of parallels in the way the government treats the two different groups of professionals.

This government likes confrontation. When given an opportunity to negotiate, everything I've studied on the



professional firefighters' side has showed that they were prepared to talk about it. They weren't going to say that every double-hatter had to quit volunteering effective today or tomorrow. They wanted to meet at a table to discuss and negotiate it. This bill curtails that; this brings in immediate action now.

I remember a couple of years ago when our leader, Dalton McGuinty, said that when the only tool you have in the toolbox is a hammer, pretty soon every problem looks like a nail. That's been your approach to every issue that has come before you: to hammer some group for it, blame someone else for it, solve it immediately and then come back next month or the month after that and fix your fix. We looked at some of the tax amendments; you've had to bring in corrections, and in fact you've had to repeal some of the bills or portions of the bills you've rammed through under time closure.

So this government would be well advised, on not just this issue but most issues, to make haste slowly. There's nothing wrong with getting it right the first time. I know you don't get as much publicity, but there's no shame in doing it right the first time. I'd like to recommend that to you.

2030

Firefighting is hard work. There's no other way to describe it. It is hard work physically and it is hard work psychologically. I've spoken to firefighters who have described for me the trauma they have experienced, after being at some fires, after being at some motor vehicle accidents, at seeing things that have burned images into their minds that they have had to take home. Firefighters work long hours and do an extremely difficult job. I'm ashamed to say that I and many others did not realize the challenge of their profession until after 9/11. That has been an eye-opener for me, and it has caused me to find opportunities to talk to professional firefighters.

The job is brutal. There is no professional firefighter who says, "I'm going to get into this career because I'm going to make big money at it." It is a mission; it is a calling. I have said before and will say again that they become heroes, not for what they do at fires and not for what they do at accidents, but they become heroes the day they join the fire department and say, "I am prepared to put my life on the line." And the reward we're going to give them is to interfere in an operation that really wasn't broken.

Professional firefighters need some time off from firefighting. It may be a time-worn axiom to say that change is as good as a rest. Remarks have been made that there is nothing to prevent a professional firefighter from digging swimming pools in their off-hours or doing any number of jobs, but not doing professional firefighting at that time. I believe they need the ability to have some breaks. When they serve as a volunteer firefighter after having served a full shift as a full-time firefighter, it is more than just digging a swimming pool; it is taking on additional responsibilities and risks. Firefighters expose themselves to risk whether as a paid professional or as a volunteer, and there is a very real question for them and

their families as to who is responsible. Firefighting presents risks that have nothing to do with digging swimming pools, with due respect to those who do.

The Belleville fire department lost a professional firefighter a couple of weeks ago, Tom Nobles, an absolutely superb individual. They did not know what was wrong with Tom. Tom was off work for about five years. Ultimately, after his death, they were able to confirm that Tom's problem and Tom's death were the result of breathing fumes in a specific chemical fire he had entered. He didn't hesitate; he went in and looked for people trapped inside there, and he paid the ultimate price for that. That took over five years to determine, and it required examination after Tom's death to confirm it. Who's liable for that? It was very clear: it was done in his line of duty while fighting a fire for the Belleville fire department.

But when dealing with the WSIB, if a case is pretty simple and clear-cut, they're still a very difficult organization to deal with. Add the complication of an individual working for two different departments and watch them try to duck responsibility. All of you on both sides of this House have staff who devote a considerable number of hours every week to trying to get answers out of WSIB. This would complicate it tremendously, and it's not comparable at all to digging a swimming pool, as was remarked earlier.

I said that I wished this government cared as much about professional firefighters as it does about police officers. I'd like to read something to you that came out as a result of an item that arose at the standing committee on justice and social policy. The research officer was asked to investigate, and there were two questions. But the question I was fascinated by was, "May a member of a police force work for another force at the same time?" I would suggest that's really the question we're dealing with here tonight, and the answer is:

"The Police Services Act deals with secondary activity in section 49, which reads, in part, as follows:

"A member of a police force shall not engage in any activity,

"(a) that interferes with or influences adversely the performance of his or her duties as a member of a police force, or is likely to do so" I would suggest that we substitute "professional firefighter" for "police officer." A professional firefighter who has worked as a volunteer and been up all night at a fire in another community—their work would adversely influence their performance.

"(b) that places him or her in a position of conflict of interest, or is likely to do so." I don't think that one particularly applies.

"(c) that would otherwise constitute full-time employment for another person; or

"(d) in which he or she has an advantage derived from employment as a member of a police force."

A professional firefighter has had access to a great deal of training, which in fact gives them an advantage over someone else wishing to volunteer in another community.

“(2) Clause (1)(d) does not prohibit a member of a police force from performing, in a private capacity, services that have been arranged through the police force.”

So police officers don't have the latitude of working as police officers during the day in one community and then working as police officers in another or working as auxiliary constables or volunteers, because I think this police act recognized that police service work is long hours, that it is dangerous, that it is important that each police officer be at their very best to assist other police officers when they respond to a call and that the community is best protected when this professional officer—and this is legislation this government has—works only as a police officer in one community.

Well, fellow members, I will tell you that being a professional firefighter involves long hours, the work is dangerous, it is vital that they be well trained, it is vital that they be well rested to assist other firefighters on the job and to assist citizens. It is in the best interests of every community that professional firefighters adhere to the standards they have now. If it's good enough for the police—and I support this for the police—then it's good enough for our firefighters.

Why a double standard? We're talking about double-hatters. We're talking about double standards. It may be tempting on your part to drive by a fire station and see a fire truck parked there and say, “Well, they're not doing anything. That's not really work.” But that would be similar to saying, on passing a police car stopped at the side of the road, “They're not doing any work.” Firefighters are there on long shifts. Let's recognize them as the professionals they are.

I am bothered by the decision on the part of this private member's bill to interfere in the constitution of a specific group. It is strange that they picked this specific group, because this is a group of professionals who say, “We believe it's in the best interests of our members and it's in the best interests of the public.” I've said it earlier—

**Mr Bisson:** You're voting against it.

**Mr Parsons:** Well, if you were listening earlier, I said I will be voting against the bill. That's a clue that I will be voting against the bill.

**Mr Wettlaufer:** That's assuming he doesn't change his mind.

**Mr Parsons:** Well, please don't judge me by your standards. Please don't do that.

There's a constitution that the Ontario Professional Fire Fighters Association has. I know that every individual who becomes a full-time professional firefighter has access to and is aware of that constitution. If they don't agree with it, I would suggest the route is not to run to some outside body. Work within your organization if you don't like it. But you know the conditions when you take the employment, and everything has a reason. There's a reason for it being there. The reason it's there wasn't to be mean and nasty; the reason was because the professional firefighters believe the public is safest, and their

members are safest and most productive, when they are focusing on just one department, one relationship among the crews, and they are working a controlled number of hours rather than responding to calls at any time of the day or night outside their regular hours. And they work long shifts.

We're doing long hours here. I would suggest for some of you the hours have been too long and you're not thinking as clearly as you could be. That's ample proof that we need to limit and control the hours.

**2040**

**Mr John Gerretsen (Kingston and the Islands):** They don't tell us the truth about that.

**Mr Parsons:** Well, I'm sorry, member from Kingston and the Islands.

We have other professional bodies that set their standards because they believe it's in the best interests of the public and their members. We have the medical association, which says that even if you're trained as a doctor in another area, you can't come in and do this and do that. Do we have volunteer doctors in Ontario? I don't think so. I think we've caught and convicted those who have done it, probably. But we don't allow that. There are conditions to be a lawyer in Ontario—great conditions; I couldn't be more supportive of them. But we allow the other professional groups to determine what is in the best interests of the public and their members.

For people who are professional firefighters, it's not a hobby, it's not a game. They don't like driving the big, red trucks for fun. They have taken on a mission, and we need to respect the experience that they've had from it. We need to respect their advice, and their advice is, “Our members need to follow these guidelines, need to follow our constitution, in order to be truly effective.”

So the government doesn't belong in this. There is always a role for government in mediation and negotiation. I know that the professional firefighters don't necessarily view themselves as union, but if it at all looks like a union to this government, the attack dogs come out, unfortunately. That's fundamentally wrong.

I believe that no one would disagree if I say we have been phenomenally well served in this province by our firefighters, but we have not served them back anywhere near as well. This government should be ashamed of the money that they put into training firefighters; they should be ashamed. It's an afterthought or it's nothing. We recognize the importance of having excellent training for our police officers. We need that same excellent training, we need a number of things, to be provided for our firefighters. We need to put in place a mechanism for every firefighter that will ensure that when they arrive at a plant, they know exactly what's in there. They need to know if there are chemicals, and they need to know what those chemicals are. There is an absolute right to know. There needs to be more money going to our firefighters. Municipalities have to staff and equip fire departments with the constant downloading of this government. The quality of fire protection should not depend on the local tax base.



I am intrigued that in the last budget this government is somewhat proud, in fact I would say very proud, of the fact that if you exclude education and health, they have reduced expenditures in this province by 30% per citizen. That's not my number; that's in their budget. With some pride, they decreased spending by 30%. But I don't think the cost of fire training equipment has gone down by 30%; I don't think the cost of fire trucks has gone down. In some communities that do not have strong industrial bases, it is a great hardship for municipalities to equip and to pay fire departments. It shouldn't be. There should be an equalization that provides the funding for them.

In conclusion, this bill is simply a bad bill for a whole lot of reasons. It is a government interfering in a process that they need not have. The government actually stopped negotiations. When the member for Brant, our critic for this area, put forward amendments that would allow the parties to at least sit and meet and talk, they were voted down. This is a private member's bill that seems to have tremendous significance because it has the ability to once again use a big hammer and show the power. It is a lack of respect for our professional firefighters, not just for the association but for each and every member.

I will not be able in any way, shape or form to support this bill. I would urge the government that the thing to do is, don't put it forward and have it defeated; simply revoke it. Allow the parties to talk if they need to talk. There are solutions that can be worked out other than with your big hammer approach. Just—

#### *Interjections.*

**Mr Parsons:** I apologize for being fascinated by the discussion. I understand there is going to be a free vote on this bill, the House leader says. It doesn't change the fact that it's a bad bill. It should be withdrawn.

**The Acting Speaker:** The Chair will recognize the member for Timmins-James Bay.

**Mr Bisson:** Thank you very much, Mr Speaker. I thought you'd enjoy that little bit of humour.

First of all, I want to say, along with all of my colleagues in the NDP caucus, we will be voting in opposition to this bill. There will not be one New Democrat who will stand in favour, because we believe as a caucus that working people have the right to determine certain items through their associations or unions and that, quite frankly, the long arm of government doesn't have any place in the union hall or being able to determine what the rules are as to how unions deal with what are basically internal matters.

Let me put this in a bit of perspective. I'm a Steelworker. I come out of the mining industry of northeastern Ontario, predominantly out of Timmins. I want to propose this to you. Where I come from, people who work in the mining industry understand that when you go to work in the morning you expect to be paid for the hours of work that you're there during the course of the day. I want to propose to the government, what would happen if I as a Steelworker were to go to work eight hours a day for one employer, then all of a sudden decide I'm going to volunteer overtime, or I'm going to volunteer to work

for the mine down the street? I would argue that my union, rightfully so, would probably sanction me. By workers doing that, in our view, as a union movement, it would basically take away from the ability to negotiate decent wages and would undermine the whole purpose of a collective agreement. The emphasis is on the word "collective."

I understand full well the position that Mr Arnott wants to take on this particular bill. He wants to give professional firefighters the ability to volunteer in other fire departments that are temporary or volunteer. I just want to take it from the other perspective, because I believe that workers in a full-time job should not be in a position of having to volunteer for another employer when it comes to doing the same line of work that they're paid for. That's just the basic thing about this whole bill. For the government to try to hide behind the word—and particularly for Mr Arnott to say, "This is all about protecting volunteerism," I want to say, as a Steelworker, I don't want my members volunteering for the boss at free time. When they work, I expect them to be paid, and if they work more than 40-some-odd hours a week, depending on the collective agreement, I expect them to get time and a half. Why? Because we are all about trying to negotiate contracts to the benefit of our members. If we have people stepping outside the collective agreement, it undermines the group. It's a very simple process.

So I don't accept for one second the argument that the member puts forward, that this is all about empowering volunteerism, because it has nothing to do with that. It's about undermining the collective agreement and undermining the collective of workers who work for professional fire departments.

Is that to say that volunteers in this province don't play a key role in our fire services? No. But I want to bring another point. Yes, they volunteer a fair amount of time but they do get paid a stipend. To say that they're strictly volunteers—now, I agree that most of the work they do, they do out of love for the job, but strictly speaking, they're not volunteers from the perspective of the stipend they get. For the member to say that we've got to get into this debate because somehow or other we've got to protect volunteerism in this province—I think volunteerism is alive and well. That's most of the communities in my riding, except for Timmins, have volunteer fire departments. Even in the city of Timmins we have three volunteer firefighting halls and one professional. This bill, in my view, is not going to do anything to build the kind of relationships that we have to build within fire halls across northeastern Ontario.

So the first point I would make is that volunteerism is not dead. People will still come up to the plate in communities like Kapuskasing, Opasatika, Smooth Rock Falls or wherever it might be, and where there are volunteer fire halls people will still come forward and be willing volunteers. But to somehow bring this debate forward as this is the saving of volunteerism, I think it's a bit of a stretch. I see this as a very simple issue. We have

to allow these types of arrangements, as far as the ability of full-time firefighters to volunteer in volunteer fire halls, to be dealt with in their own associations or unions. It's as simple as that. I wanted to put that, first of all, on the record.

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The other thing that I said at the beginning I wanted to put on the record is that all of us as New Democrats will be standing up squarely behind the professional firefighters in this case and saying, "We're not going to vote for this legislation," for the reasons I have set out. This is unlike what we are unfortunately seeing with the Liberal caucus and the Tory caucus, which is a bit of a split. I've seen some Liberal members get up and support this bill. I've seen other members get up and speak against this bill. I want to say as a New Democrat that I'm proud to stand firmly on this bill, to take a position and clearly let the public know where we're coming from.

I want to say again that it doesn't take away from volunteerism. Volunteers are a key part of our fire-fighting services in Ontario. I think we all understand that. Volunteers will still step forward in those communities where there are volunteer fire halls. This bill in no way, shape or form is going to enhance what is going to happen with volunteers as far as what happens in those volunteer fire halls is concerned. That's the first point I would like to make.

The other thing is that the member who sponsored this bill took great pains in his opening comments to talk about the consultation he had. I listened very intently about some of the people he consulted with. He consulted with the Ontario municipal association, not exactly big union supporters, I would say, not exactly the proponents—

**Mr Kormos:** Not likely.

**Mr Bisson:** Not likely, as my good friend over here says. The Ontario municipal association represents a certain view, and that view happens to be one of trying to deliver services for the cheapest cost possible. If that means they can enhance more volunteers within a system, that is one way they're able to get to that cost. So he went out and consulted with the Ontario municipal association. Then he consulted with mayors. How likely are mayors not to want this bill passed?

**Mr Kormos:** The mayor of Welland.

**Mr Bisson:** There are mayors who don't support this. I forget the name of the mayor of Welland.

**Mr Kormos:** Cindy Forster.

**Mr Bisson:** Cindy Forster. I've met with her on a number of occasions and I know she doesn't support this bill. But a certain number of the mayors you've met with, Mr Arnott, I would say are people who support this bill.

Then he says, "I went out and spoke to councillors and to many municipalities that like this bill." I understand that. It's like my saying, "I'm going to go out and consult. I'm just going to consult with the unions on the bill. I know I'm going to get basically one view and not listen to the other." If you're going to consult, at least take the time to speak to the professional firefighters so you

understand their point. You may not agree with it, but at the end of the day, bring it into the debate. To say that you only consulted with a certain group of people vis-à-vis this bill I thought was a little bit disappointing.

*Interjection.*

**Mr Bisson:** Yes, he spoke to a couple of firefighters, the ones who want to be volunteer firefighters. You spoke to the two-hatter professional firefighters. I understand that. What I'm saying is that when you stand up and purport that you've consulted and say, "I've consulted widely and everybody agrees with me," it's a bit of a stretch.

I've had debate on this bill in my riding and other parts of northeastern Ontario. There are some people who have supported it, namely, the fire chief, Lester Cudmore, in the city of Timmins. I like Les a lot, but on this one, he and I disagree. A few other people with the municipal council talked to me about this bill, saying, "This is not a bad thing," but by and large, everybody else was opposed.

I spoke not only to full-time firefighters, but to volunteers in South Porcupine-Whitney, and a number of the volunteers I spoke to didn't like this bill and saw this bill for what it was. I think the story is that if you go out and actually do some consulting on this, you'd find out that it's probably not supported as strongly and as widely as you would purport it to be.

I ask myself one other question: what is it that this government doesn't like about firefighters? That's just a question I ask myself. Because over the last number of years since this government was elected back in 1995, there have been numerous occasions when this government has brought in legislation that has been to the detriment of professional firefighters. I would have thought that a Conservative government, with a person like Mr Runciman who puts himself out as a proponent of—

**Mr Kormos:** Where is he tonight?

**Mr Bisson:** I was coming to that point—I would have thought as a proponent of professional firefighters, volunteer firefighters, emergency workers and police he would have been in here defending the fight that's going on here today. I think it's interesting and I ask myself the question, to come back to the original point, why is it that this government keeps on fighting firefighters on all kinds of issues? I would have thought this government, which purports to be the friend of firefighters, would try to bring in legislation that firefighters are able to support. We find ourselves yet again—I think this is the second or third bill in so many years that basically has been an attack on firefighters. I just say, where are you guys coming from? I thought you were their friends. If you're friends of the professional firefighters, I have to say to you that you have a very funny way of showing it.

The other point that I wanted to make is in regard to the approach this bill takes. I think we'd be better off to try to get the associations and the unions themselves to come up with what they think is an appropriate measure for the whole double-hatter issue. I know that the



member across the way and those who support this bill are going to say, "No, that's why we need legislation, because they won't allow it." But I come back to my first point, and that is that the whole purpose of collective bargaining and forming a union is in order to protect workers from the excesses of the employer and, number two, to negotiate a fair contract when it comes to wages and benefits for its members.

This bill allows the utilization of full-time firefighters in volunteer fire halls. The effect of that is that it makes full-time firefighters less and less needed. That really is undermining the whole benefit of having a collective agreement. I would say to the member across the way that we'd be a lot better off, in my view, leaving this item in the hands of the union itself and not bringing the strong arm of government into what is basically the collective agreement.

It's interesting that we're not doing that anywhere else. We're not going in to tell, let's say, the United Steelworkers of America, and neither should we, to use volunteers for overtime or volunteers to work in the competitor's plant. We're not doing it to CAW workers, OPSEU workers, police officers, doctors or lawyers, but we're picking on firefighters. That is just a little bit disappointing, where the government is going.

I also want to say, and I raise it in the context of this particular debate, that when it comes to workers' rights and their right to bargain by way of the collective agreement, this government has used every opportunity they've had to attack those rights. If you remember, Mr Speaker, about three years ago, I believe it was, or two years ago, the government brought in amendments to the Employment Standards Act. When they brought forward those amendments, one of the amendments they were making was for greater utilization by employers in the process of overtime and being able to force employees to work overtime as much as possible.

I raise that in the context of this debate only to make a point. When the government introduced the Employment Standards Act changes that they did—I think it was a couple of years ago—they put an amendment in the legislation that basically said that an employer would be able to have a freer hand to force employees to work overtime. New Democrats here in the Legislature—I know my good friend Shelley Martel, my leader, Howard Hampton, and certainly our critic of the day, Mr Christopherson, and our current critic, Mr Kormos—said, "Don't make those kinds of changes, because employers will utilize that for their own devices. They will force workers to work overtime when they don't want to work." When we raised that a couple of years ago, the then Minister of Labour Chris Stockwell, the now House leader, said, "You guys don't know what you're talking about. You're fearmongering. You don't know what you're talking about. No, no, no, it'll never happen. Employers will never take advantage of this legislation."

Well, it's pertinent to this debate, because exactly what we said was going to happen did happen. That's in the case of Toyota. Toyota now has basically done two

things. They've said that any new hires since the Employment Standards Act was changed must sign an employment contract. Within the employment contract is a clause that says, "You shall work two hours of overtime per day." There are no ifs, ands or buts about it. If a person doesn't want a new job at Toyota, all you have to do is say no to that question and you don't get the job. So the employer is utilizing, by way of the intimidation of an employment contract for new hires, its ability to get them to work longer hours and work overtime hours against their will by way of changes the government made to the Employment Standards Act.

The point I want to make is that we're saying in this bill that we're going to be lessening the reliance on full-time firefighters in Ontario. I and my colleagues don't think that's a good idea. I raise the Employment Standards Act debate in this as a comparison to say that two years ago we told you this was a bad thing. The then Minister of Labour got up and said we didn't know what we were talking about. Now we see that Toyota of Canada has basically, by way of employment contracts, rubber-stamped exactly what the government has put into the bill into its employment contracts and has said, "Employees shall work overtime, and you have no choice about it."

#### *Interjection.*

**Mr Bisson:** Well, this is the second part. The interesting part, and my good friend Marilyn Churley raises the point, is that in this particular case the government won't interfere. It is not willing to go to the employer and say, "Hey, listen. This is not allowed. We don't allow employers to be able to force overtime."

#### **2100**

The Minister of Labour got up today, and it was pretty interesting. When he answered his question, he tried to mix a few things. He tried to mix what happened to employees that were there prior to the employment contracts and said, "Oh yes, but they went to the appeal board." Basically, now what we've got is an appeal of the original decision from employees who were affected prior to the employment standard changes who are not signing these employment contracts. They were two different things. What's clear is, in this case, it has happened. I'm saying, in this particular case, if we allow this bill to go forward, what we're going to see over a period of time are more and more fire chiefs across this province encouraging their full-time firefighters to give up their time to be able to volunteer within fire halls.

Let me put that in the context of the community I come from. The city of Timmins has full-time firefighters. They're situated in downtown Timmins. We have the Mount Joy, Connaught, South Porcupine, Whitney and Schumacher firefighter volunteer systems. Those are all volunteer fire halls. I originally said there were three, but it's actually five. We have five volunteer fire halls within the city of Timmins and one full-time fire hall.

Now, imagine if I was the fire chief, I had this legislation and a new hire walking in the door getting a

job as a full-time firefighter in the city of Timmins. One of the questions the fire chiefs ask you as you're going through the employment process is, "By the way, if I hire you as a full-time firefighter, will you be willing to volunteer some of your time in one of the volunteer fire halls so that you can use some of your experience for the volunteer firefighters?" What do you think that new, possible employee is going to say to the fire chief when he or she is going through the job interview process? He or she is going to say, just like the Toyota employees, "Yes, of course I'm willing to volunteer. Yes, Mr Fire Chief, because I want the job." As a result, what we're going to see over a period of time is that it will become almost a condition of employment in volunteer fire halls like we have in the city of Timmins where, to become a full-time firefighter, they're going to ask you: "Are you willing to volunteer?"

I'm putting on the record today that, if we allow this bill to pass, what we will see in the city of Timmins is what we're seeing in the Toyota plant here in Ontario. It will become a condition of employment. The fire chief will sit down in interviews with new, potential full-time firefighters and ask that question. The question will be, "Are you prepared to volunteer in one of our volunteer fire halls?" If the answer is no, I don't think that person's going to get hired. If the answer is yes, they probably will get hired. What we're going to have, quite frankly, is the employer utilizing full-time firefighters almost for free because they get a stipend as volunteers inside the volunteer fire halls.

I say if you want to protect volunteerism, don't allow that to happen, because what you're going to end up with I think is the worst possible scenario in both cases. As we saw in the Toyota plant, where Toyota has put inside their employment contracts a stipulation that the only way you get a job there is if you agree to work overtime, you will see within full-time firefighter halls, as in the city of Timmins, the employer putting inside the contract the very simple stipulation that, "You should volunteer in one of our volunteer fire halls."

That is one of a number of reasons why we, as New Democrats, will not vote in favour of this legislation. We think this is the wrong way to do business. We think that, quite frankly, we should have a separation between full-time and volunteer firefighters when it comes to the duties they carry out. If you want to support volunteerism, I say as a government, fund them. Give them the money they need to be able to provide all the training that is necessary to be a volunteer firefighter. Make sure they've got the equipment in the communities to do their jobs, and make sure you've got the training officers in place in order to do the kind of training that you need in order to keep their skills up. If you really want to support volunteerism, that's the way you're going to do it, not by creating as a condition of employment for full-time firefighters to go work as a volunteer. Mark my words, that's exactly what's going to happen out of this legislation.

Again, I just want to say that all of my colleagues, I'm proud to say, within the New Democratic caucus here we

will be voting in opposition to this bill—all nine of us. We feel strongly that this bill is a bad piece of legislation, and I'm not looking forward to the day that we vote because I suspect there are enough Liberals and Conservatives to allow this bill to pass. I think that is really a sad thing.

To the Liberal caucus, I wish you would be more on side with our line. I think it's wrong-headed to take the position of supporting this legislation. This is nothing short of union-busting. I'm just pleading to my Liberal colleagues to vote with us in order to be able to defeat this bill clearly and categorically. I welcome those few Conservative members who will vote along with us.

With that, Mr Speaker, I'd like to thank you for this time of debate.

**Hon Norman W. Sterling (Minister of Transportation):** I represent now the riding of Lanark-Carleton. I have represented ridings which have included both part of now the city of Ottawa and exterior parts of the city of Ottawa, the ring around the city of Ottawa, being the other parts of eastern Ontario. This particular issue has significance to a riding like Lanark-Carleton or a riding like Grenville-Carleton, which I once represented, which was, again, part of now the city of Ottawa and Grenville county. It was another area where you had two different kinds of factors playing into an issue like this particular issue.

I have no hesitation in supporting this bill as it now stands, because it is carefully drafted in a form which can in fact be put in place. Mr Arnott was careful in making certain that the bill, as drafted, could be proclaimed sometime in the future when it was feasible to do so, when people were ready for it to be proclaimed, and therefore those who would try to dodge the issue by arguing about the details of the bill quite frankly I think are going to have difficulty explaining that to their constituents.

I quite frankly think this will be a significant issue in the next general election; I really do. I think it'll be a significant issue because there is huge, huge support in the rural areas for this bill.

I want to tell you, in terms of the area I represent, how this bill means much more to the areas that are closer to the centre of Ottawa than those that are farther out from Parliament Hill. The area of West Carleton is the largest area, a former township, one of the 11 municipalities that became part of the city of Ottawa, the largest geographic area in all of the city of Ottawa. It was an amalgam of three rural townships, and that happened way back in 1974, when those three townships—Fitzroy, Huntley and Torbolton—were brought together. This particular area has a very, very strong volunteer firefighting force, but it is buttressed very, very much by double-hatters, under the definition that Mr Arnott puts forward.

As you go farther out from the centre of the city of Ottawa, the problem becomes less and less relevant to the people because there are fewer and fewer double-hatters as you go farther out because of course they're going farther away from their professional place of employment



as firefighters. Perhaps the closest area to West Carleton where there would be a significant number of firefighters would be in the former city of Kanata.

Many of those firefighters are not only stationed in Kanata, but some of them are stationed in the former city of Nepean and even farther into the city of Ottawa. They have chosen to live out in the country area and have made a significant contribution. They and their families have made a significant contribution to their community through helping out the other volunteer members in the fire department. They were able to bring those skills they learned downtown out to the rural area.

The fellow who ran against me in the last provincial election, Mr—

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** Dwight Eastman.

**Hon Mr Sterling:** —Dwight Eastman, for the Liberals, who was the mayor of West Carleton, made this particular issue very, very important to him in the last city election, when he was elected as a city councillor for that area. He was asking the provincial government to bring forward this very bill on behalf of his constituents in the area of West Carleton because he recognized how important this particular function was.

**Mr Bruce Crozier (Essex):** Why didn't he win?  
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**Hon Mr Sterling:** Well, I had no trouble supporting what he was talking about at that time and continue to support it in terms of this bill.

Some of the people who have spoken from the opposition benches have somehow put forward the notion that this is a government initiative. I can assure the members opposite that that's not the case. This is an initiative of Ted Arnott because he feels strongly on the issue, and as you've heard, there are diverse opinions on this side of the floor.

One of the things we haven't talked about tonight is the whole role of the volunteer firefighters, be they in an area where you have double-hatters or in an area where they don't have double-hatters. This is a significant part of rural society in Ontario. When you are attacking the rural firefighter community, when you are saying to somebody who wants to be a double-hatter and wants to help out his or her rural community by being a double-hatter, you are attacking a significant part of the social fabric of our rural communities.

In all the time I've been elected, and that's been some 25 years, representing in large part about half urban and half rural concerns, I have observed of course the various different institutions that are there in the community and are supported by the community. I don't think there's any one institution which has established such a high degree of public acceptance as the rural volunteer firefighters in each and every municipality we have across eastern Ontario.

The bill doesn't say to a professional firefighter, "You're omitted from doing anything else." One of the anomalies I have with regard to this bill is the fact that if the rationale behind opposing this bill is that a firefighter

who was out on a volunteer fire, or in most cases a lot of their duties relate to going out to Highway 7 or Highway 17 or 417 in eastern Ontario, Highway 15 going from Smiths Falls to Carleton Place, going out to these horrendous crashes that take place and providing first response in terms of medical care as well as taking care of any incidents that result from a fire out of a car or whatever, part of the rationale is that a double-hatter who went out at 2 o'clock or 3 o'clock in the morning would be too tired to do his job the next day. Well, I think each and every one of us faces those kinds of employment issues and has to make those kinds of adjustments in terms of where we go the next day. It is more serious, probably, in terms of what a firefighter must do or potentially might do the next day. I'm certain firefighting departments can make that adjustment. Of course, if somebody is sick, they have to call in somebody else. So in the case of an emergency, where a firefighter who is a double-hatter is going out on a volunteer basis in another jurisdiction, why can't the professional unit make an adjustment? I don't understand why that can't be done. I expect that in fact it probably is done today in terms of trying to make certain that a firefighter who is on duty is ready and able to perform his or her functions as they go forward.

I also am concerned with what I have heard with regard to this union coming down hard on double-hatters and trying to control their private life in terms of what they choose to do outside of their working hours. I think that's an infringement on their freedom: freedom of association, freedom to do what they choose.

In the case of Ottawa and the area of West Carleton, I am suspicious of the motives. I think the motives are not pure. I think the motives are to drive the West Carleton area out of a volunteer firefighting service and into a professional firefighting service, even though it is a rural area. If that happens, the firefighting in that area will suffer, because the city will not be able to afford the level of service that is now provided by the volunteer sector and the community will lose those volunteer institutions, which are part and parcel of being in a rural community.

So it's a double loss: it's a loss in terms of the level of service that those communities now receive, and it will be a loss in terms of the loss of a group of individuals who gather together not only to fight fires, go to emergencies and perform very valuable functions as the first response, but it will also be a huge loss with regard to the social function, the cement this group provides in a community.

I really believe that Mr Arnott has done an excellent job in putting together a rational and reasonable bill to meet this challenge. A couple of speakers from the opposite side said, "Well, let them negotiate longer, let them talk longer about what is going on." I understand that the Ontario Professional Fire Fighters Association has backed off at the present time, but they've backed off for one reason, and I'll tell you what the reason is. It's right there in writing. They've backed off because Ted Arnott has raised the profile of this issue in front of this Legislature, so they're in retreat at the present time.

They're saying, "Maybe we were a little too rough before, and therefore we should modify our position."

It's not always nice to come to conclusions, where parties aren't able to get together and act in a reasonable and rational way. In this case, it does very, very strongly attack a centre of rural life. For that reason, as I said before, I support Bill 30 totally and have no problem with it.

The debate on this bill is presently in the third reading stage. This debate is supposed to be, of course, on the amendments to the bill. That's normally what third reading debate, after second reading, is. As you know, there have been no amendments put to this bill, and therefore I move that the question now be put.

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**The Acting Speaker:** I hear a point of order from the chief whip of the third party. I'll recognize it.

**Mr Bisson:** On a point of order, Mr Speaker: We have a number of members in our caucus who want to speak to this particular issue. There has not been all that much debate. We have had but one hour of debate at second reading, and we're now into maybe two hours at third reading. I would put to you that there are still members who want to speak to this. It is not a long time that we've been debating this, and I would ask you to take that into consideration.

**Hon Mr Stockwell:** Mr Speaker, with respect to you, on the same point of order: This bill has been through second reading. It went to committee. As I understand, they heard deputations at committee; a number of people came to two days of committee hearings. Now we've had third reading debate on a private member's bill. Quite frankly, it's unprecedented to have third reading debate on a private member's bill. It has been vetted and it went through the process. Also, third reading debate is generally dealing with amendments to the bill. As I understand it, there were no amendments put.

**Mr Arnott:** There was an amendment at committee.

**Hon Mr Stockwell:** There was an amendment, sorry. They were speaking to that specific amendment to the bill.

As I said, it's a private member's bill. It had fulsome debate at second reading. It had committee time. It had two days, and it has had an unprecedented amount of third reading debate. I think it's reasonable to expect that you can move forward.

**Mr Levac:** On a point of order, Mr Speaker: It was mentioned by one of the members on the other side that it wasn't amended. Quite frankly, Speaker, for your information, the amendment was so large that it actually changed the entire bill. That would give the precedent that's being asked for in terms of the amount of time being given to debate. The reality is that the first bill in question may even have been challenged under the Charter of Rights and the Constitution; that's how large it was. And the fact is that the amendment created such a change in the whole bill that it changed the whole direction. Giving the time in this debate right now is very necessary so that every member of this House has an

opportunity to discuss that amended bill. I thank you for your time.

**The Acting Speaker:** It looks like there are going to be quite a few points of order. I want to give everybody a chance to make sure the points are made. I also want to give the sponsoring member of the bill an opportunity to say a word, but I am going to recognize at least one other representative from each of the three caucuses in addition to the sponsoring member. With that, the House leader for the third party now has the floor.

**Mr Kormos:** Thank you kindly, Speaker. First, Speaker, I'd ask you to note that there has not yet been even three hours of third reading debate. That's number one.

Number two, this is a private member's bill. That means it was allowed a maximum, as the standing orders provide, of one hour for second reading debate. I want to emphasize that. If the Speaker—if you, sir—were disposed to put the question to the chamber, notwithstanding the points of order, it's my submission, first, that the Speaker would be opening the floodgates for a process whereby governments could introduce what in effect are really government bills via private members' avenue—it would open the doors; it would open the floodgates—which means that there would be but one hour of debate on what could be a government bill wherein the government utilizes one of its backbenchers via private members' public business. One hour of second reading debate? They wouldn't need time allocation. To then accede to a request to put the question after not even three hours I submit would open the door to all sorts of abuse.

Second, I put to you this: this bill clearly, unlike others that have been before this chamber, I acknowledge, has not only generated different views from the NDP versus the other two parties, but clearly, even on the basis of the speakers during this brief period of time, there is disagreement within those two other parties. I put to you that the nature of the debate, not just the length but the nature of the debate, and the degree of intensity of debate—I'm not just talking about polarization but about the exchange of views—should also be taken into consideration.

(1) There's the prospect of opening the doors to an abuse of process by the government if this is granted, if the question is put; that it would identify private members' public business as being a very speedy conduit for the government agenda. (2) Having listened to the debate to date, I point out that it's not inappropriate that the leader of the third party, the leader of the New Democratic Party—he's here. I want to tell you, he does plan to speak to it and we expect him to be able to speak to it on the next rotation. I submit that under those circumstances, precedent is not applicable, because here we are dealing with but one hour of debate on second reading; in most other cases, you've heard at least, oh, three days of debate on second reading before time allocation is permitted. Certainly the period during which such a question could be put on second reading debate



would not happen after one hour, as it is in private members' public business where the question is put by virtue of the standing orders.

So I'm suggesting two very sound bases here upon which to accede to the point of order and permit further debate. You may well have the call for the question further in the debate. You'd have to reconsider the matter then. But I think you have two very important areas of consideration.

**The Acting Speaker:** I recognize the member for London West.

**Mr Bob Wood (London West):** Thank you very much, Mr Speaker. Because the government House leader has very commendably called a controversial private member's public bill for third reading, the decision you have to make tonight is something more than an ordinary decision. This is going to set something of a precedent for what I hope will be a number of controversial private members' public bills that come before this House.

I personally am opposed to the bill. I hope in due course I'll have an opportunity to speak on third reading. As you consider this, which I would submit to you is very important—and I know my friend the government House leader is going to call more controversial private members' public bills; that's good, that's democracy, and it's going to work. As you consider this rather important decision, there are two things I think you should keep in mind in particular. One is that because it's a private member's public bill, it's only had one hour's debate on second reading, and that's as it should be, and that's a good standing order of the House. However, taking that into consideration, that orients, I think, toward more time for debate on third reading on the floor of the House.

The second thing I think you should take into consideration is that there were quite substantial amendments made in committee. This is a significantly different bill, although the same in principle, as was before the House on second reading. I think that orients toward more time for debate.

So as you consider this very important question, which I think is setting something of a precedent, I hope you'll take those two factors into serious consideration. Whatever decision you make on that point will commend itself as a consideration to Speakers in the future when they have to make what I hope are many similar decisions, because the government House leader is absolutely right in bringing this bill forward. I commend him for that. I invite you to consider the importance of what you're about to decide.

**The Acting Speaker:** I recognize the member for Essex.

**Mr Crozier:** In addition to the points that have been made, I make the point that we are prepared to debate this bill till midnight tonight. I thought—and I could stand to be corrected—that there was agreement that this bill would be debated—

**Hon Mr Stockwell:** No.

**Mr Crozier:** The House leader said there was no agreement. It was my understanding that there would be

no vote on this bill tonight. We have four speakers who still want to stand and speak to this bill. If you, Speaker, feel that the weight of this bill, the importance of this bill, deserves that kind of consideration, and in fact if the proponent of this bill, the member who introduced this bill, who's going to be given the opportunity to speak, feels this bill is that important, I suggest that we should continue debate on this bill until the clock runs out this evening. There is lots to be said. There are views on all sides of the issue to be heard. I think it's important enough, Speaker, that we should continue debate on this bill.

2130

**The Acting Speaker:** I appreciate the input from all the caucuses. I'll give the last word to the sponsoring member, the honourable member from Waterloo-Wellington.

**Mr Arnott:** I've listened with interest to the debate that's taken place in this House. I think we've now debated this for about two and a half hours at third reading. As some of the members on our side have said, it has been an interesting debate. I've heard previously many of the comments that members who oppose my bill have brought forward tonight in the two meetings I had with firefighters' union representatives, one shortly after the bill was introduced for first reading, if my memory is correct, before second reading debate took place, and also when the professional firefighters had their lobby day.

I did listen to the two days of public hearings we held at the standing committee on justice and social policy. In fact, at the subcommittee meeting I proposed that three days of public hearings take place. I recall that the member for Niagara Centre did not support me in that request. He thought two days were sufficient. So we had two days of hearings.

**Mr Kormos:** You've got the majority on the committee, Ted.

**Mr Arnott:** Well, I was looking to you for support, and I was surprised you didn't support a third day of public hearings, because I was for public hearings. I was certainly prepared to have groups that were opposed to the bill come forward and speak to it, and I wanted to—

*Interjection.*

**The Acting Speaker:** Order. I want to say to the House leader of the third party that I made sure this House was dead silent when you spoke, given the importance. Now you're going to do the same thing for this honourable member. Please keep your remarks—no, you don't have a point of order. Take your seat.

**Mr Kormos:** I apologize.

**The Acting Speaker:** Thank you for responding in that fashion. I know I won't have to get up again. Sorry for the interruption.

**Mr Arnott:** It is correct that there was an amendment when we did clause-by-clause on the bill. The amendment was in order in the sense that it was entirely consistent with the purpose, the thrust and the general principle of the bill. It captured the very same end result,

which is what I'm trying to do, which is to provide employment protection for double-hatter firefighters, those being full-time professional firefighters who also wish to provide their volunteer services, in most cases typically in a small town in which they live nearby.

I would submit to you, Mr Speaker, that there has been considerable debate here, two and a half hours of debate. I think all three parties have had an opportunity to engage in that debate. We've heard from members of our caucus who don't support the bill. I certainly haven't stood in the way of their desire and interest to have the chance to speak to the issue. My good friend the member for Kitchener Centre spoke to the issue and said he kind of complimented me. I really appreciated that, because that is better than no compliment at all.

The member for London Centre has at least had the opportunity to speak to this. He has an interest in speaking to the bill, but he wants to be in a situation where he can perhaps register his vote. That's what we're working toward at this point: getting to the point where there will be a vote. I think perhaps it's time. I'm not sure what more I can add to this, but I'm certainly prepared to vote on this bill, as I have been since the beginning of the night.

The other point I should add is that the bill is two pages, if you include the English and the French translation—two pages. It's pretty straightforward, and I think all the members have had a fair chance to take a look at it and understand its contents.

**The Acting Speaker:** Unless you have something urgently new and earth-shattering for me to consider, which of course you would think it is—what a silly way for me to put it. I'll give you a moment to make the point.

**Mr Crozier:** And I'll be very brief.

You know, I thought there was honour in this place. I may be naive, but I really did believe we were going to debate this through the rest of the evening. It's 9:30 in the evening. There are members of this House who are all over this city, God knows where, and all of a sudden the minister calls a vote on this. Frankly, I think the honour in this place has gone down a notch if that's what we're going to deal with tonight.

*Interjections.*

**The Acting Speaker:** Order, please. I know emotions are running strong, but this place is going to operate the way it should.

*Interjection.*

**The Acting Speaker:** Order, please. It's my understanding—

*Interjection.*

**The Acting Speaker:** Do you know what? If you say one more word, you're leaving.

It's my understanding that there is not a lot of precedent with regard to this kind of motion as it affects private members. I take the point that the member from London West has made that there may be a little more weight than usual to this particular ruling. Giving due regard to that, I would like to take a 10-minute recess to review the points that have been made, and I will return

with a ruling. Therefore this House will recess for 10 minutes.

*The House recessed from 2135 to 2147.*

**The Acting Speaker:** First of all, let me thank all the members for their interest and providing me with their thoughts.

I realize that the rules don't really provide for whether or not there's a free vote. Technically and philosophically, every vote in this place is a free vote, but it has been declared as such. We haven't done that an awful lot. I've allowed that to weigh in my decision to some degree.

The test is meant to be whether or not the rights of the minority are being denied in allowing such a motion to be put. The difficulty in this case is that because it's a free vote, we not only have division of opinion and thinking from all caucuses but from within all of the caucuses and, quite frankly, it's virtually impossible to identify where the majority is, to then be able to determine who is the minority and whether or not their rights are being infringed or not.

I also take into account the fact that this is an extremely controversial issue. There have been a little less than three hours and only nine out of 103 members have yet had a chance to speak.

Therefore, at this point it is my ruling that the motion will not be put and I'm going to rule it out of order. Debate will continue. The floor is now open.

**Mr McMeekin:** Mr Speaker, let me first of all compliment you on your ruling. I'm pleased to have an opportunity to speak to this bill.

At the outset, notwithstanding what happens to the bill, I want to applaud all members of this House who from time to time bring private members' business here, and in this case particularly my colleague opposite from Waterloo-Wellington.

I want to make it clear also from the outset that I'm not here to demonize or to blame anyone. I'm certainly not here to cast any bad light on full-time professional brothers and sisters, nor part-time professional volunteers, nor the fire marshal, nor municipalities. In fact, I want to say that I respect the training and the expertise and the courage and the commitment that all firefighters display every single day as they put themselves in harm's way.

That said, as a former mayor of a great municipality that experienced, unfortunately, the rigors of an all too anxious government wanting to move forward on amalgamation, I wish it hadn't come to this. This wasn't a problem before amalgamation occurred, and it's become a significant problem, as my colleague from Brant indicated, since.

I want to say also that while no one is particularly guilty, everybody is responsible for the mess that we're in. I also want to say, by way of backdrop, that I appreciate the fact that in the two years I've been here, this is probably the first issue that we've had any real debate on. We use closure so often around this place, one would almost be led to the belief that everyone has sort of sanitized views on everything.



This is a complex, emotional issue. I know that when I was growing up mom used to always say that "decisions between good and evil are easy" and I suppose in today's context, were she still here, she might say—if I can get my own colleagues' attention, that will be helpful—that except for the Oklahoma bomber, we all want to be on the side of the angels. She always went on to say that it's decisions between competing goods that are difficult, and in this case perhaps competing rights.

This issue involves public safety, it involves individual rights, it involves union rights and, I suppose, potential changes to the way labour relations are done in this province.

Historically, volunteer firefighters have played a vital role in the delivery of fire protection services in Ontario, especially in rural areas. In fact, I don't know if you know this, Mr Speaker, but 95% of Ontario fire departments are either volunteer departments or have a volunteer component. So it pains me somewhat personally, having served as the mayor of the wonderful town of Flamborough and having seen full-timers, two-hatters, whatever you want to call them, and committed people, along with committed volunteers, working so well together, to see this sort of thing happen.

You know, we in the town of Flamborough had a wonderful situation going. I can tell you that when we did the task force on comparative municipal taxation, we looked at nine different municipalities in our area and 16 different services. I'm disappointed to say that the city of Hamilton and those who were pushing amalgamation might want to just make a note of this: in every single case, the city of Hamilton, as I recall, had the highest per capita cost for each and every one of those services except one, and that service was firefighting in the wonderful town of Flamborough, which scored the least cost per capita, and I would argue the best investment any municipality of the nine had made.

I suppose when all is said and done there's no service that's more important to municipal ratepayers than the assurance—and I think my colleague from Ottawa spoke to this quite eloquently a few moments ago—the assurance that their homes, their property and their loved ones are properly protected. In Flamborough that wasn't a problem. We had a nice arrangement. In urban areas that were growing fast we brought in a full-time complement, and in rural areas we had the composite department, which included some of the two-hatters. We never, ever wanted to put ourselves in the position where somebody with the training and the expertise would have to stand at the end of a neighbour's driveway and say, "I'm sorry I can't help put out that fire or save somebody in that house because I've got a union problem." You know? That didn't happen as long as we were on our own.

I've heard a lot of arguments here. It's almost like pointing the finger at who to blame. You know, blame municipalities, blame the fire marshal, what have you. I want to say for the record that some of us have been working at trying to get this issue resolved for well over a year without success. I'm not surprised that the fire

marshal, who had a lot to say about this, had difficulty getting it resolved. By the way, for the record, the Ontario Association of Fire Chiefs also noted that they didn't think there was a resolution. The firefighters' association said they didn't think there was a resolution. The Association of Municipalities of Ontario also joined in saying that this was a non-resolvable issue that required a legislative response. The honourable member opposite who is sponsoring this bill has heard that and brought that properly forward.

This issue of rights keeps coming up. I believe that unions have certain rights. Mr Speaker, we've grown up together in that wonderful labour town of Hamilton. I don't have a problem with that, but I do have a difficulty with the idea that in every case there's a sacrosanct right as contrasted with other rights. I think individuals have rights. John Stewart Mill, the father of ancient and modern-day liberalism, spoke and wrote eloquently about individuals having certain inalienable rights. The right to make choices would have been one of those. So I would point that out to some of my colleagues.

Municipalities have rights. They have collective rights. I want to suggest that virtually every group in this province that represents municipalities, from AMO to ROMA, the Rural Ontario Municipal Association, to OSUM, Ontario Small Urban Municipalities, have all come out very strongly in favour of this bill, as have the Ontario Association of Fire Chiefs, which, I want to note, represents the full-time composite and volunteer administrative levels of the Ontario fire service from the fire protection and prevention education management perspective. Currently, the OAFS has approximately 600 members representing over 400 fire service organization across the province. Their membership is comprised of full-time departments protecting some 55% of Ontario's population; composite fire department—a combination of full-time and volunteer members, protecting some 30% of the population; and solely volunteer fire departments, representing approximately 15% of the population.

The Ontario Association of Fire Chiefs was one of the stakeholders looking seriously at the issues that came forward, and this includes big city chiefs, little city chiefs—big chief, little chief, right?—from all over the province. Their board was unanimous in support of Bill 30. To their credit, they didn't feel it went far enough. They felt that this was such an important issue that they actually called a general membership meeting, which occurred recently, because they were so concerned about the public safety aspect related to this bill. Let there be no mistake: there are significant public safety aspects here. They had a vote, and the vote was—and I confirmed this today after speaking to the president of the group—126 to 4 in favour of moving forward with this bill. Some of the fire chiefs who voted in favour of this represent the city of Toronto, the city of Mississauga and, I understand, the city of Hamilton. I stand to be corrected if that's not the case, but I'm told it is.

**2200**

I think the concern centred to a large extent on the fact that two-hatters, who play such a significant role particu-

larly in smaller communities, aren't just people who pour water on fires, as important as that is; they're people who, because of their training and expertise, have a very special role to play as people involved in trying to make a difference in their own communities with being training officers and, if I dare say it, confidence builders for some of the others out there who maybe are just wanting to get the training so they can be full-time firefighting professionals some day; I don't know.

But I know that in our municipality they were always people who, until recently, were looked up to and revered. That was a mutual feeling between the full-timers or so-called two-hatters and those dedicated other volunteers who serve.

The association of fire chiefs is one—the Association of Municipalities of Ontario strongly support Bill 30. I spoke with Pat Vianni this afternoon about this, particularly with respect to the rural communities that they and ROMA represent. I was told today—I didn't know this. Maybe the member from Waterloo-Wellington didn't know it either; I don't know. There's not much he doesn't know about this; apparently there are four times as many volunteer firefighters in the province as there are full-time professional firefighters—four times as many.

The Association of Municipalities of Ontario see this very much as a right-to-work issue; they pointed that out. They've said, "You know, we've had promises, promises, promises about working this issue out and we just haven't seen the results." If we don't get it resolved, they believe, in this legislative framework that has been presented, very soon we're "going to have a much, much bigger problem on our hands." That's from the Association of Municipalities of Ontario.

For those who are standing up and quoting all this stuff about municipalities, you might want to bear in mind that AMO, virtually without any opposition, supports this, as does ROMA. Jean-Marc, you know all about the ROMA group.

The Ontario Small Urban Municipalities association feel that this particular bill is actually critical to municipalities, taxpayers and residents. They lament profoundly the resignations that they feel have been forced from many of the two-hatters, and they note with some real concern that the lifting of the moratorium on charges by the IAFF really didn't help matters. They suggest in a letter that was sent, I believe, to all members of this Legislative Assembly that it could literally cost millions of dollars to replace the expertise that will be lost unless we get this issue handled. They fear, I think quite legitimately, that public safety will be compromised if well-trained and experienced professional firefighters who want to make a difference in their own local communities don't have a chance to do that. I share that concern. We've received letters from some of the groups that I've mentioned.

In addition to that, the Ontario fire marshal, who is the chief fire officer for the province of Ontario, as I understand it, and who is responsible for ensuring that things are in place to protect communities and lives, has

spoken out very, very strongly, as it turns out, in favour of Bill 30. He notes in his presentation to the committee which reviewed this that there was a long and very complicated consultation process. Yes, there was one official meeting that brought all the stakeholders together, but there was a lot of consultation before that with respect to prohibiting career firefighters from serving as volunteer firefighters. He noted that he didn't feel a negotiated settlement of the dispute was going to happen. In fact, I would say as an aside, obviously the professional association must have felt the same way, because they lifted their moratorium on charges. If you want to negotiate for an official negotiating task force of some sort to resolve it, the best way to show that isn't to go out and lay a whole bunch of charges. He notes that, and he notes a number of other things. He suggested in his presentation that no mechanism currently exists to allow any of the parties to bind their membership. AMO said this. They said, "We could make an undertaking, but we can't bind individual municipalities." The Ontario association of professional firefighters said the same thing: "We could make an undertaking, but we can't bind our locals." They couldn't guarantee their members would adhere to any particular arrangement.

He noted that things were very polarized and that there was no common ground—his words—for a non-legislated solution. He concludes, and my colleague from Brant made some passing reference to this, "The sudden or phased withdrawal of two-hatters from communities dependent on volunteer fire departments could significantly impact on their ability to provide an adequate level of fire protection and may in some cases pose a potential serious threat to public safety...."

Why? He pointed out several reasons. "There would be a loss of experience, leadership and expertise...." He noted, as the member for Wellington noted, that even one two-hatter can often make a difference in a small rural community. "There may be a reduced capacity for providing adequate emergency responses...." Potentially it would require increased response time, including the time to recruit and train either full-time or part-time new firefighters.

He noted that if this bill were to fail, not only would it "create a potential serious threat to public safety," but, he said, "There is a provincial and public interest in protecting two-hatters who wish to serve as volunteer firefighters. We do not believe that a non-legislated solution is achievable or enforceable. As a result, without a legislated solution, the existing tensions and uncertainty in the fire service community will continue, and the high potential for two-hatters to resign as a result of OPFFA constitutional enforcement activities could well result in significant public safety concerns arising."

This is our fire marshal. He says it's his "understanding that such protection is not uncommon in most jurisdictions in Canada and the United States," another interesting tidbit of information that I think we should remember. He says in closing that he supports "first and foremost the need to develop a legislated solution"—I'm



assuming because of his previous statement about the impossibility of finding a resolution to the presenting problems—"that clearly protects the interests of public safety. It is important that career firefighters who wish to serve as part-time or volunteer firefighters in their home communities are permitted to do so without fear of loss of employment."

In conclusion, I've had a great deal of difficulty finding a lot of people, other than a few union leaders, who actually oppose this bill. AMO supports it, ROMA supports it, OSUM supports it, the Ontario association of police chiefs supports it, the Ontario fire marshal supports it and most of the public I speak to in my riding support it. Both local newspapers—the Hamilton Spectator and the Brabant chain—have written editorials in support of it. As I've spoken to full-time firefighters in the various departments in my riding, many of them shook their heads. So I intend to support this bill and do so—

**Mr Kormos:** How come Mr Levac doesn't support it?

**Mr McMeekin:** You'll have to ask Mr Levac that. I intend to support the bill and I do so because of a long tradition of standing in affirmation of individual human rights and the Constitution we have in this country.

2210

**Hon Frank Klees (Minister of Tourism and Recreation):** I'm pleased to participate in this debate. I want to say at the outset that I too regret the fact that we're debating this bill, because I certainly would have preferred to see a negotiated resolution of this. I am fully convinced that had the matter been handled differently from the outset we wouldn't be here today talking about a piece of legislation that effectively is going to force the rights of individuals in this province to prevail, and that is to do with one's own time what one chooses. In this particular case, it's to serve a community as a firefighter.

I think where the matter went wrong was when letters started to go to people in my riding who were serving in the capacity of a volunteer firefighter. When these letters were brought to my attention, I was shocked. I could not believe that in the province of Ontario individuals were being threatened with the loss of their permanent employment because of an activity they chose to participate in, in their community, as volunteer firefighters. I just could not believe that in Ontario we would have people worried about their livelihood, that they would lose sleep, that their families would be upset that the breadwinner of that home would perhaps lose their job or have to resign from something they feel compelled to do to serve their community.

I first saw those letters before I ever heard from my colleague with regard to this bill. I took the matter up with Bob Runciman, the Solicitor General at the time. I said to him, "Something is very wrong. I can't believe this is really happening. Is it happening? Tell me, is this happening elsewhere?"

Eventually I found out that in fact this was a province-wide concern. My immediate reaction was that there has to be something wrong here, that we must already have

something in legislation in this province that would prevent this from happening. I could not believe there wasn't already some form of legislative protection in regard to this kind of intimidation taking place.

What I found out was that every other profession in the province indeed does have that kind of protection, but firefighters don't. So once again I thought, how could previous legislation not have covered this off?

I continue to get calls from constituents. My riding takes in Richmond Hill, the town of Whitchurch-Stouffville and part of the town of Markham. We have a unique situation in that community, where Whitchurch-Stouffville is largely dependent on volunteer firefighters. Interestingly enough, the town of Markham at one time was fully looked after by volunteer firefighters as well. As the town of Markham grew, as the tax base expanded, there was a need for full-time firefighters, and the town of Markham is now fully full-time firefighters.

I think there's a natural evolution that is taking place in our province and it's taking place in most of our communities, and that is, as the community grows, as the tax base expands, as there is the economic ability to put in place permanent and full-time firefighters, the municipalities do so, and they do so because they know it's the right thing, the responsible thing to do.

I think what's happened in this particular situation is that the association has somehow got ahead of that natural evolution that is taking place, and for their own reasons, which I frankly believe are misguided, have taken it upon themselves to try to accelerate that natural process that allows municipalities to put in place a full-time firefighting unit. I believe that we have a responsibility in this Legislature to take a time-out here and say, "Wait a minute. We're not going to allow this to happen to people in our province, to men and women who want to make a choice to participate, to support, to help their communities through their part-time activities." For that reason, I will be supporting this legislation.

When the firefighters were here, two weeks ago now—we have many of them here, and I'm glad they are, because I think it's important that they hear this debate. I think it's important that they understand what motivates some of us, and I trust at the end of the day the majority of us, to vote for this legislation. In the discussion that I had with the firefighters who came to see me I explained to them that I'd prefer that this happen some other way, that there would have been a more appropriate way of dealing with this, but I also explained to them at the time that there's still room, I believe, for this matter to be resolved. I hope that we can.

A proposal that I put forward at the time was that if in fact the bill comes to the House, I will vote for it, and if it does get passed, which I believe it will, there is still an opportunity for our government to deal with this negotiating process that is being suggested. My advice was not to proclaim the bill and allow for some time for the parties to come back to the table to work out a resolution. If in fact that doesn't happen, and if we can see that there is a standoff, that for some reason the matter can't be

resolved that way, then the government has the ability to proclaim the bill and legislate the resolution.

From that standpoint, I'm saying I will vote for this bill, because I don't believe that we as legislators can stand by and have individuals in our communities in any way threatened. I've seen the letters, and so for someone to say that this isn't about threatening—I'm sorry, it's in black and white. I don't believe that as legislators we have the right to allow that to happen. I will support the bill, but again I say that I think there's some opportunity here for the parties to come to a resolution. I think it's important that they see that this government will not allow the kind of intimidation to continue. That's a signal: get on with doing the job of negotiating an appropriate settlement. But in the context of that settlement, what we have to understand is the rights of individuals, is the need of communities across the province. Honourable members have made reference to that, that not every community in this province can afford to take on full-time firefighters and that there is a role that individuals can play.

With regard to some of the rationale, some of the reasons that have been given me as to why firefighters shouldn't be performing volunteer work—that they're too tired, that it's inappropriate after working a shift that they would go elsewhere and perform some of these services—the reason those do not ring very true to me is that I personally know a number of firefighters in my community, in my riding, and I know they carry on other part-time occupations. That's just a fact. I suppose if that is the rationale firefighters are using to say their colleagues should not participate in other part-time activities as a firefighter, then perhaps what they should also be prepared to do is to say that from this point on in time no firefighter will have any other engagement—no other part-time jobs, no other part-time businesses—because they won't be in any condition to work if they happen to do some other form of business.

2220

**Mr Levac:** It's not the same.

**Hon Mr Klees:** The honourable member across the way says that it's not the same. Well, let me tell you that I don't know if it's not the same, because whether you're building a deck or whether you're putting on an addition or whether you're working in carpentry or whether you're cleaning driveways with your front-end loader, these are all things that take time; these are all things that you have to be awake to do, my friend. If you have the ability to do other part-time jobs, why not do something that you have been trained to do, that you have the ability to do, that you can show leadership in doing? Many of these firefighters take the time to train individuals, other volunteers, within the community.

I was at a function in Whitchurch-Stouffville where we were honouring volunteer firefighters in the community. There were young people there who were volunteers. They were being trained to be volunteer firefighters within their community. I spoke to two young men who got their start in the volunteer firefighting

capacity in Stouffville being trained by so-called double-hatters who have now gone on to be full-time firefighters in the town of Richmond Hill.

I spoke earlier about a natural evolution that takes place. Tell me what's wrong with that. I think it make ultimate sense. And what we have to do in this place, I think, is just understand. We have to understand that perhaps when this debate began there was much more to it than simply ensuring that people are awake when they get on the job and that perhaps it's too hard on them to carry on as volunteer firefighters. I really believe there was more to it than that. I'm confused at the same time by some of the debate that has gone on this evening.

I've heard from members of my own caucus who are arguing against this bill, and what confuses me is that some of that debate—I won't make a specific reference, but anyone wanting to look up Hansard would know that there are individuals who are arguing in favour of this bill who quite frankly at some other time and place in this very Legislature have stood up and have argued and debated in favour of a so-called right-to-work bill that was tabled here in this place, which, by the way, I supported as well. There's a principle at stake here, and the principle that is at stake here in this debate is, do people in this province have the right to work at a job that they choose to work at without intimidation by a union, by an organization, whether that be a political party, whether that be a labour union, whether that be an association? I happen to be in favour of the right to work, and I'd prefer we were debating a right-to-work piece of legislation in this place.

#### *Interjections.*

**Hon Mr Klees:** I knew that would evoke some form of reaction from members opposite. I fully appreciate the NDP, because philosophically that's where they stand and they have never wavered from that.

I happen to believe that in a free society we should have, as men, women, young people, residents, citizens of this province, the right to do as we choose without intimidation. And at the core, I believe, of this legislation is that principle. Had the members of the association of firefighters taken, as I said at the outset when I began this debate, the approach on this in a much more logical and rational and I believe civil way, then individuals like myself would actually be taking a different position here, because I would believe that they intend to resolve this issue. Having said that, I believe I have to take a stand on behalf of the constituency that I represent. I was approached by the mayor of the town of Whitchurch-Stouffville, I was approached by firefighters from the town of Whitchurch-Stouffville and I was approached by firefighters from other jurisdictions who expressed to me that they feel that in the province of Ontario they have lost some of their freedom. That's a sad commentary for our society. I don't believe that anyone in this place would want to stand by and allow that to be said about this province. I honestly believe that upon reflection the firefighters in this province also don't want to go down that road. I would think that upon reflection they would



want to be sure we had a settlement of this matter, that they can work side-by-side with their colleagues, that they can look at each other and respect each other for the choices they make. That's what this is really about. I respect you as a brother or a sister, and I respect you for who you are as a professional. I respect you so much that I believe you have the ability to say, "I can do this. I'm prepared to put in another three or four hours for my community, and I'll make the decision, in the interest of my community and in the interest of my fellow firefighters, that I will ensure, when I do show up to my permanent job, that I'm in a condition to do so, and I'll conduct myself accordingly."

Let's not rob individuals in this province of their own self-respect. That's effectively what we're doing when we're telling our firefighters, when we're telling our neighbours, that they can't make those choices. It's about making choices. It's about doing the right thing. It's about respecting each other. It's about ensuring that in our communities we understand the limitations that communities have. It's about understanding that eventually many of the communities that are in this fight right now will have full-time firefighters because of the natural growth of those communities. But in the meantime, between now and then, let's ensure that we are working harmoniously together. Let's ensure that we understand what is truly at issue here. I believe that at the end of the day, by passing this legislation, we will send a signal to both parties that in this province we have choices, we have freedoms and we respect each other. That's really what it's all about.

We've had the opportunity to debate this bill. I want to commend my colleague for bringing it forward. We've had the opportunity to debate this at some length—unique, in the sense that as a private member's bill we have had some three and a half hours of debate. I believe it's in the interest of the people of this province that we all have an opportunity to cast our vote, and I would ask that the question now be put.

**The Speaker (Hon Gary Carr):** The member for Hastings-Frontenac-Lennox and Addington.

*Interjection.*

**The Speaker:** I believe it's back to the Liberals in the rotation, and then you.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm really happy to have the opportunity to debate this bill this evening, because there's some question about how much debate we should be having. I am especially happy to have this chance, first of all, to talk about firefighters. When I think of firefighters, I usually don't distinguish between firefighters who would be volunteers in communities and firefighters who are full-time firefighters, because in my mind there's really no distinction. These are men, and in some cases women, who put their lives at risk every day, and they do so to keep all of us safe and to protect us. In my opinion, they deserve the greatest respect and consideration. I've thought about this particular issue at great length and tried to consider as many as possible of the

issues that have been presented to me, both by constituents—people within my riding—and by people within the profession for whom I have the greatest of respect.

**2230**

I want to make reference to a comment that was made by the Minister of Tourism. He indicated it was his hope that there could have been a negotiated solution to this issue. I think many members on all sides of this House want the same. Ideally, rather than have an issue that pits one good group against another, we would like to see the two sides come together and work out an agreement. This legislation will prevent that from happening. Sadly, it will create a rift within our communities, a soreness that need not be there.

I also want to mention the fact that when this bill was at committee, my colleague Dave Levac, the member for Brant, put an amendment. I have a copy of the amendment here. It basically stated that before the bill was proclaimed, a committee of representatives of both volunteer and full-time firefighters would be struck, and they would meet on a regular basis to debate and discuss the outstanding issues. Sadly, and for me quite puzzling, this amendment was defeated by government members. In my opinion, it speaks to the point that was raised by the Minister of Tourism. It would have provided a vehicle for both parties to come together to try to hammer out a resolution.

One of the comments made in the debate this evening was around the issue that volunteer firefighters who were full-time firefighters and would be volunteering their services received letters that made very clear to them that if they were to continue doing what they were doing, that would put their job at risk. They were worried about their livelihood, and I'm sure that is not to be desired. However, I would remind the members of this Legislature that, yes, they're worried about their livelihood. But I have had the opportunity to speak to firefighters, and they tell me that their issues are equally, if not more, serious, because they're worried about their lives. They're worried that they're going to get called to a fire and that the person in front of them or behind them or beside them, someone they're depending on to assist them in this very, very dangerous role, may have been volunteering in their community and came to work after that activity and was not really able to give the 110% that every firefighter in this province gives when he goes on a call. That's what I heard from firefighters, and I think it's a fair concern to be worried about their lives.

I spoke with a gentleman who came to my office, and I visit a number of volunteer fire services in my riding. The equipment alone that they wear can weigh over 80 pounds. I can't imagine that if you were out on a volunteer experience—in my riding, volunteer services are now out fighting forest fires, something they didn't do before, and they're fighting day and night. If a firefighter has been involved in that kind of activity and then gets called in to work, carrying this 80 pounds of equipment, I think it's a legitimate concern that these people may not

be at their best, at their peak, where they need to be for the other people on their team who are working with them.

I was also very interested—I listened very intently—when the member sponsoring this private member's bill asked a question in question period of Mr Runciman, the Minister of Public Safety and Security. Mr Arnott asked the minister, "Will you support this bill?" I did want to understand from the minister what his position would be on this matter. Surprisingly, and I invite all members in this Legislature to review Hansard, I don't believe the minister supported it. He didn't not support it, but when a government member asks a minister a question, I believe that if the minister wanted to say he supported it, he would have on that occasion. Whether or not the minister will support it I think is a question, and it gives me cause to wonder if this is good legislation when the minister would have some problem giving it an unequivocal vote of confidence, and I know there are other members of the government as well.

It's not a partisan issue, and I don't think it's a rural-urban issue. From my perspective, it's about public safety. I know some of the members this evening have talked about the many groups that have supported the bill. One of the groups is AMO, the Association of Municipalities of Ontario, certainly a group to be respected. But I couldn't help but note in one of the more recent communiqués they have sent to their members that their concern is that if Bill 30 is not passed, there could be a significant cost impact on municipalities across the province, as many may be expected to replace two-hatters with full-time firefighters. What disappoints me about this communiqué is that I have not read anything that speaks to public safety and what must be considered to ensure that the public is safe, and not just the public but that our firefighters are safe as well when they execute their jobs. For me, that is something worth noting.

I want to talk about my riding, Hastings-Frontenac-Lennox and Addington, and the kind of fire services we have there. We have literally hundreds of volunteer firefighters, who do an excellent job. I've witnessed their dedication and their ability first-hand. There isn't anything like a fire to attract people, to draw a crowd; if people see smoke and fire, they come to the fire. I have always been impressed with how well served we are by volunteer firefighters in rural Ontario and most definitely in Hastings-Frontenac-Lennox and Addington. I have only one full-time service in my riding, and that is in the community of Napanee. Also, because of the nature of this issue, I thought it was important that I understand, that I investigate, how many two-hatters are in my riding. If this bill passes or fails, it's important for me to understand the impact it will have locally. I have to say that I was surprised—not necessarily disappointed and not necessarily delighted, but just surprised—that of the hundreds of firefighters in my riding there is one two-hatter. I'm given to understand that this two-hatter has a very good working relationship and an understanding of what's at stake with this very bill.

I also think it's very important to remind ourselves here and to have it stated in the record—I think it has been already, but even for those people who would be listening to the debate this evening—that when we talk about volunteer services, I think people have an idea in their minds about what a volunteer is in our communities. If you volunteer for the Canadian Cancer Society, the Kiwanis Club, the Rotary Club, it means you spend a great deal of time and put forward effort in very valuable areas, and you don't get paid to do that; you do that out of the goodness of your heart because you want to assist your community. When we see our neighbours or friends or people in our community in a situation where they need help, our immediate reaction is to go and do what we can to help them. I think initially volunteer firefighters were just that: they were volunteers. They were not paid for their efforts. However, today in Ontario that is not the case. I am not in any way suggesting it's not appropriate that volunteer firefighters be compensated for putting their life at risk to save my property and my life; I'm not suggesting that at all. But I think it's important to note that when we speak of volunteer firefighters, they are compensated; there is compensation for what they do.

2240

We then have to consider how many other workplaces would allow their employees with whom they have a contract to go out and do the same kind of work for another company. In the public sector, for example, I know that many school boards have in their collective agreements that if you are a teacher with a board, you are not allowed to go out and teach for another board or another private company. That would not be accepted. Here we have a case in point where full-time firefighters who are paid for that also go to another service and volunteer but are paid for that work. That does bring about an inconsistency in terms of application of our labour laws. Should the bill pass, what's appropriate in one labour setting will not be consistent in another labour setting. In fairness to all the workers in the province of Ontario, we need to pay some attention to that particular issue.

With regard to where we go from here, I continue to maintain that the best solution for this issue is for the minister to strike a task force to bring all parties of this debate together at a table and have them hash it out: "What are all the issues?" "What are your suggestions?" "What are yours?" "How can we make this work in the province of Ontario?"

I believe the amount of goodwill on both sides of this issue is immeasurable. However, this kind of resolution is certainly a weighted consideration, where it would appear that one side is going to come out the winner and the other side is going to come out with less than what they had before. I can't think of a group who deserves that less than our firefighters.

I have actually written to the minister on this very issue and have asked him, given the very divisive nature of this bill, to consider establishing a task force. I think it's absolutely essential that we try to work collabor-



atively, that we show the people in our communities that we believe that's the best way to achieve a resolution to a very complex issue. I certainly hope the minister will exercise the regard that he has at his cabinet table. He is certainly a veteran of this Legislature. I know he is very respected by members on this side of the House; absolutely he is on his side of the House. I hope the minister will take the opportunity that I believe is before him right now on this issue to set up such a task force and invite both parties—both full-time firefighters and volunteer firefighters—to the table to talk about ways that their outstanding issue can be addressed.

I want to commend all of the people who have written to me, to my office, to explain both sides of the issue. Families and friends and members of our communities have taken great interest in this and have taken a great deal of time to have everyone here understand how important it is. They have done a very good job to educate the people in this place. Sometimes I think we are really quite isolated here. While we do a lot of reading and think we have a lot of the background, it really isn't until we read the letters and meet people face to face that we gain a real appreciation for the issue.

For me, this is not a rural-urban issue. It's not a partisan issue. It's about what you think is the right thing to do. For me personally, while I appreciate that two-hatters do provide benefits to the communities they serve—the benefit of their knowledge, the benefit of their expertise at bargain-basement prices, as it were—I also appreciate and understand how for municipalities this is a good deal they have going and don't want to lose it. On the other hand, the important issue for me is the safety and well-being of professional firefighters, a group of people that I think—in fact, I can't think of a profession that is held in any higher regard.

If, with the position I hold and why I am here, I could leave this debate with an image of why I will be proud to go back to my riding and say, "This is how I voted on Bill 30"—we all remember the horrible images of September 11; we will all have those etched in our minds. For me, one of the most poignant is the story of those people who escaped the tragedy. They talk about running down the stairs and the difficulty they had running down because the firemen were running up the stairs. They were running toward the danger; they were running to help people without regard for their own well-being. That's the image I have of professional firefighters. They are the people who have come to me and have said that this bill could have an impact on safety in their workplace. So I'm very proud this evening to say that I will stand for those people, for the men and women like the people who were running up the stairs in New York.

**Hon Mr Stockwell:** Oh my God.

**Mrs Dombrowsky:** I really thank the Minister of the Environment for his—it sounded like a note of approval there.

In any case, I am delighted that I've had this opportunity to make my point around Bill 30. I certainly hope

that whatever the outcome is, the two communities will be able to come together eventually and live with the decision that's made in this Legislature.

**2250**

**Mr Howard Hampton (Kenora-Rainy River):** I'm pleased to be able to participate in this debate because this is quite controversial legislation, legislation that, were it to pass into law and be implemented, would I believe create an even more difficult situation out there in many communities across the province.

Let me say at the outset that I think there are a number of myths that need to be exposed with respect to this legislation. You might know, Speaker, that earlier in the year I spent some time travelling from community to community in a bus talking about hydro. But sometimes, when you got to communities, members of the municipal council would want to come and talk about some of the other issues that were on their mind. This was one of them. So while I was travelling around out there, across Ontario, there were a couple of myths I heard associated with this legislation that I immediately want to dispel.

I had some municipal representatives say to me that if this legislation does not pass, it will mean the end of volunteer firefighting. To those people out there who are under that impression, let me say clearly and categorically that that is completely false. This legislation will not do anything for volunteer firefighting, and if this legislation fails, it will not hinder volunteer firefighting in any way. In fact, professional firefighters across this province support volunteer firefighting and have been very supportive of volunteer fire departments.

The other myth out there is—as you know, some firefighting services across the province are composite. You'll have some members of the firefighting service who are full-time firefighters and then you will have, working alongside them, the volunteers. I had some people say to me, "If this legislation doesn't pass, it will be the end of composite fire services." That is also false. I say to those government members who want to propagate that myth, go out and engage in some of the discussions, because this legislation will do nothing for composite services, and if this legislation fails, which I believe it should, it will not in any way negatively affect composite fire services either.

What is really the issue here, from the prospective of New Democrats, first and foremost is this: some government legislation mandates that there needs to be a certain level of fire service provided. One would think that if the government mandates certain levels of fire service, the government would then step into the responsibility and ensure that adequate funding is provided so that municipalities, no matter where they are, can provide that level of fire service. Alas, that is not happening across Ontario, and that is a big part of the problem here.

What has many of us concerned, and it concerns us more and more all the time is that this is very dangerous work, as we all know, maybe some of the most dangerous work people undertake in the province, so we

want to ensure that we take every measure to ensure that the members of fire services are adequately protected in terms of health and safety while they work, but we also want to ensure that a community can depend upon the fire service they're purported to receive.

I want to deal with a historical example, the very serious ice storm in eastern Ontario a few years ago. The city of Kingston has a professional fire service. Many of the rural municipalities surrounding Kingston do not have a professional fire service; they have volunteer services. Many of those surrounding municipalities in fact were using double-hatters. Firefighters who were employed on a full-time basis with the city of Kingston fire service would then work as double-hatters with some of the surrounding municipalities. The ice storm strikes, creates major chaos across eastern Ontario. What does the city of Kingston do and what does the city of Kingston fire service do when faced with a very serious problem—electrical lines down, trees falling down etc? They recall and bring into service all of their trained, professional firefighters: "We've got an emergency situation here. We need you on the job." That was good for the city of Kingston and that was good for the people of city of Kingston, that they were able to assemble all of those professional firefighters to do the work necessary.

But in the context, what happened to the surrounding rural municipalities when suddenly some of those double-hatters that they were depending on weren't available? What happens to the level of their fire service? What happens to the quality of their fire service? What happens to the protection of life, limb and property in those surrounding rural municipalities? To the degree that double-hatters were depended upon to provide the leadership and to provide the direction for volunteers in those surrounding municipal fire services, to what degree was the health and safety of those volunteers who no longer had the double-hatters there—because they had all been recalled by the city of Kingston—compromised?

That I think is a very serious historical issue. And before any government or private member puts forward legislation, I think we would want to have a very thorough examination of the kinds of scenarios that happened in Kingston and the surrounding municipal areas, because if you're purporting that a given rural municipality or small urban municipality is going to have a certain level of fire service by using double-hatters, but then we get a very serious fire in the immediately adjoining urban area and all the double-hatters are recalled and are not available, then really aren't we telling people a bit of a fib in terms of the quality of their fire service? Aren't we putting them at risk?

We're telling them, "Oh, don't worry. You've got a fire service here," but as soon as an emergency happens in the adjoining urban municipality, that fire service in that rural area is suddenly full of all kinds of holes and cracks. Does anybody in this Legislature think that would be acceptable, to tell people, "We believe you've got this level of fire service, but gee, if an emergency does happen in the adjoining urban area and all of the double-

hatters are recalled, I guess you don't really have that quality of fire service"? In fact, not only do you not have that quality, but you don't have the numbers either, and you don't have the expertise. I would think that before anyone here entertains voting for legislation which could be the accomplice to that kind of situation, we'd want to think about it very, very carefully indeed. I believe quite strongly that there ought to be a deeper analysis of what's going on here.

Think about it from another perspective. Imagine if it's a small rural municipality adjoining, say, a city like Toronto or Hamilton or London, and a full-time firefighter who happens to be a double-hatter spends a great deal of time fighting a very serious fire in the urban area, but then immediately, when he or she goes home, is called out to work as a double-hatter because a situation has arisen in the rural municipality. He or she is tired, stressed, quite possibly exhausted from having undertaken the duties which are part of their responsible professional job, but now they're purportedly going to exercise professional judgment or the required statutory judgment in fighting something else. That's a health-and-safety risk to their colleagues, not to mention once again putting the life, security and property of those people in that rural municipality at risk.

### 2300

Or the reverse example: someone who is a double-hatter is called to a fire situation in a rural community or a small town where they work as a double-hatter and they work for many hours, but then they're called in to an emergency situation where they also work as a full-time professional firefighter. It's a very serious and dangerous situation. What about all of their colleagues who need to depend upon them in that very critical situation? What about all of their colleagues who need to know that they're at the top of their effort, that they're well rested, that they're able to work and to provide a service and can be counted on at a certain level? Isn't that putting their health and safety at risk and potentially putting the lives, the security and the property of citizens who may be depending upon them at risk?

I've heard some of the government members talk about this as freedom, simply a case of freedom. Well, I've been around long enough to know that freedom carries with it some responsibility, and if someone signs on to do a full-time professional job where other people's lives and security are at risk, not to mention the colleagues they work with—their health and safety is at risk—then there is some responsibility that comes along with that job and that undertaking. People, the citizens, have a right to expect that that responsibility will be met, not just some of the time or not just at this level, but all the time and at the appropriate level. That's really what is at stake here. I don't believe we can go around the province and say to people who live in smaller towns or in rural municipalities, "Oh, you're going to get this level of fire service. Don't worry; this level of fire service will be provided, and it will be provided through the utilization of double-hatters," and then see all too often the kind of



situation that happened in Kingston, where because of the severity of the ice storm the double-hatters aren't available and too many people are left with what is in effect a skeleton fire service that cannot provide the level of protection, that cannot provide the level of security and cannot ensure the health and safety, never mind of citizens but of other volunteer firefighters who have to be called into the breach.

This legislation is not going to do anything in terms of protecting or enabling volunteer fire services. It's not going to do anything in terms of protecting or enabling or enhancing composite fire services. And I don't think it's really going to do anything to address the kind of scenario that we saw happening in Kingston or that we could see happening in a number of urban and rural or urban and semi-urban regions around the province. The problem is really much deeper than that.

As the professional firefighters' association has said, they approached the Minister of Public Safety and Security and asked that an independently facilitated task force be established to investigate the impact of two-hatters within fire services, to look at what was the impact in Kingston. Has the government studied that? Did the government look at, for example, how people in those rural areas that suddenly were deprived of a number of the firefighters that they believed they could count on—did the government look at the public reaction, how the public felt? Has the government looked at those scenarios where a firefighter who has a full-time professional job, after working in that job and perhaps answering a fire call, then has to answer in another emergency situation with the volunteer service in very close timeline proximity? These are real issues, and they're real issues that affect people's lives, could essentially be potential life-and-death issues that affect the working health and safety of other firefighters. I would think that the government would want to address this issue very seriously in terms of looking at the actual real-life situations, in terms of looking at the potential conflicts and in terms of looking at how serious some of these outcomes could be. I would think that would be a government responsibility. For a private member to advance a bill without having any of that evidence, without having any of that analysis, I think is really an even more serious problem.

So I know I speak for all of my colleagues here. We cannot and will not support this legislation. There is too much at stake, far too much at stake. A number of issues here need to be thoroughly examined through a task force or through a commission. A number of issues here, after thorough examination, need to be discussed from the perspective of what needs to be provided for smaller towns in semi-rural areas, what level of resourcing, what level of training, what level of expertise. To offer up that somehow allowing double-hatters is the solution to all the issues that need to be addressed, the questions that need to be asked and the scenarios that need to be analyzed is giving very short shrift to, as I say, some very, very serious problems.

So we will be opposing this legislation, we'll be voting against it, and I would urge a number of the colleagues here from the Liberal Party to oppose it as well. I know some members of the Conservative caucus are going to oppose it, again for many of the reasons I've had this opportunity to speak about this evening.

I just want to say a few more words about the Ontario Professional Fire Fighters Association and the international. We had a number of meetings with representatives of the professional firefighters, who said to us that there is a number of ways this could be approached. If the government simply parked this legislation and brought forward the study and did the kind of analysis that a task force would be prepared to do, that would be a very good step forward. Then there would at least be an opportunity to debate, to discuss the real issues in terms of, how do you best protect the health and safety of firefighters, not just professional firefighters but volunteer firefighters? How do you ensure that not only rural areas that have a full-time professional firefighting service receive the quality of fire protection they need but also that the smaller towns and surrounding rural areas receive adequate protection as well?

That's what the professional firefighters are actually asking for, that instead of what they see as a hot-button, venerated attempt to cover over the issue, there really needs to be that thoughtful analysis, that thoughtful examination. If that thoughtful analysis and examination that could happen through a task force were to occur, then some real solutions and some real possibilities in terms of solutions could be brought forward.

2310

**Mr John O'Toole (Durham):** I have watched most of the debate tonight on this bill, Bill 30, and I have to say from the beginning and the outset that it's a very, very difficult and complex issue. It has been described on each side as being kind of a rural-urban issue, it has been described as an issue of union versus non-union, and it's anything but. In my view, it really is the case—I have to relate it. I think each member here, regardless of which party they're affiliated with, has to represent the needs of their community. I've met with the chiefs, I've met with regular forces in the professional firefighters, some who are at this time double-hatters, some who are opposed, against. Even when I read more recent communications from the current president, Fred LeBlanc, I see that he has wrestled with the issue as well. I have to quote a memo from October 1, 2002.

"Attention all members of the OPFFA re: moratorium on secondary employment charges." Fred goes on to say in the memo:

"I must commend all our affiliates, as collectively we have acted in good faith and with the utmost professionalism.

"Past president Henry Watson, in February of this year, requested that our locals respect a 'moratorium' for any new charges regarding our members who were two-hatters.

"I supported past president Watson's position at that time and carried that same position and request upon my

induction into the presidency of the Ontario Professional Fire Fighters Association (OPFFA).

"We have attempted since February to have serious and thorough discussions on the reliance of two-hatters within Ontario's fire service with all stakeholders. These discussions were intended to identify how many two-hatters there are, where they are located and if there was a serious threat to public safety upon their withdrawal of service."

I can't help but think of small towns throughout Ontario, and most of Ontario is small-town. Clearly it's no problem in larger urban centres like the cities of Toronto, London, Ottawa, Hamilton, indeed Oshawa in my own area. It's clear that they have the resources to grow to be a full-time complement, as they should be and as everyone would want. That would not say for one moment that any of the volunteers—I believe they're mandated to have a certain level of training in safety and rescue and other procedures with respect to the very, very difficult work they do.

I can't help but think, and I want to put it on the record, that in my riding of Durham, I have part of the city of Oshawa, I have the municipality of Clarington, and I have the township of Scugog; the most prominent city there, of course, is Port Perry. When listening tonight to all sides—very objectively, I might add—I can't help but say that I think most clearly of the difficult but necessary decisions that Doug Moffatt, the mayor of Scugog, has to make. I can tell you, the town of Port Perry is a beautiful town that has a very large rural area, is what I would say a very assessment-poor community in terms of having any large industry. It's mainly dependent on small business and on rural farm businesses. I think of Ken Carruthers. I also think of other town councillors. I know personally that one of them is or was a volunteer. I also think of the municipality of Clarington, with Mayor John Mutton; I might say that I was at the council meeting earlier this evening. The regional councillors there of course are Jim Schell and Charlie Trim, and I know they, like me, are concerned that the level of service that we have in our community is very much dependent on volunteers.

I can say to you, without any reliance on input from others, that Bill 30 has caused me a great deal of anguish, because I really believe that at the end of the day it's about a level of service. In fact, it's our own government that prescribed certain levels of service. That 10 in 10 issue hasn't really come up directly, but there are a couple of regulations that we're responsible for implementing and strengthening the requirement to have 10 people in 10 minutes. That's the fundamental issue here. The fundamental issue is that fire service is paid from the local tax base.

I think of firefighters, whatever their definition is—professional firefighters, whether they volunteer in their off time or not—as real people. I think of them as my neighbours. So it is a really gut-wrenching kind of decision.

It's very healthy for us in public office to be forthright with our constituents. I could avoid the discussion totally,

but I think it's important for us to be honest with the people we try to represent fairly.

I've listened to the leader of the third party. I understand that the code name for the NDP is the union government, and I don't try to describe that as a negative. I think it's important for people to have rights and protection of those rights.

In this case, I think of the case a lot of speakers have mentioned: September 11 in the United States. Professional firefighters, trained people, were more than anxious to go and try to provide support, volunteer, if you will, because they're called to it, as one of the speakers said earlier. I believe there is a part of this where by the very nature of risk and reward they are called to it. I really believe there are those who have been in for a few years who may not have that engendered in their character, that they seem to be the first people on the scene, the first people to render support, and I commend them for that.

In any of my remarks, I have nothing but the highest regard for any of those persons who put themselves at risk, who put the community or the individual before themselves. I can't say enough about that. I think of them very much like my son, who served in the armed forces as a captain on the Sea King helicopters. Much of what he did was volunteering, to the extent that it was duty first. But they put country before self, and in this case firefighters put the community before themselves. So in any of my remarks I would not cast a disparaging remark. I support volunteer firefighters.

The issue here is, what's volunteer? Is that paid service or does it mean you have "professional training" and you work somewhere else? That's a very complicated issue.

I want to be on the record as supporting the professional firefighters. I support professional firefighters like Doug Tennant. Doug is in the chamber here. He's the vice-president of the Ontario Association of Fire Chiefs. Doug of course is the vice-president to Fred LeBlanc, who is in the same memo that was quoted here earlier from the Ontario Professional Fire Fighters Association. So I know how they've wrestled with it.

I'm quite surprised, actually, when I've listened to the speeches all night—in fact, I made a deliberate effort to come back tonight to participate—by the member from Prince Edward-Hastings because, not unlike my own riding, he would have what I would describe, without being disparaging, as an assessment-poor area, by and large, with the exception of maybe Belleville, where they probably would have a full-time fire complement and they would be supplemented by volunteers who have other jobs. That could be anything from working in one of the local companies or indeed working in the capacity of a firefighter in some other community.

I drive this down to real people I've met more recently, on the last couple of Fridays, in my constituency office. Graydon Brown is one example of a fellow who has I think 25 or 30 years of service as a captain, a professional firefighter.



*Interjection.*

**Mr O'Toole:** Where does he volunteer? He volunteers in Newcastle; he volunteers in Orono; he volunteers where his neighbours live.

If it's so prescriptive by some constitutional issue with their contract that they can't volunteer, what is that really saying about the whole thrust I described earlier, as these people are drawn to a very high-risk profession and they have the training to help their neighbour? I think it would be dreadful if somehow, politically, we disengaged them from that innate desire to volunteer. If they don't want to volunteer, no one is forcing anyone to volunteer. That contradicts the description of a volunteer.

2320

So I would really like to say that I would prefer that we have a negotiated solution. In my area, I know that the call-back issue—I support that as the first response. I know that our mayor of Clarington, John Mutton, has recently put an ad out and put in his budget that he's going to have enough money set aside to train the volunteers who may not have the training that double-hatters would. Obviously they wouldn't have the training. They'd need to have not just CPR and all of the other rescue and jaws of life and all of the things they do, and the training and equipment they need to know how to handle to work effectively as a team, to not put their peers at risk. I support that as a solution.

I would prefer that the association was able to find a negotiated solution. I can only say that this can be voted on as third reading and not be proclaimed law, which would give them time to come forward and remove those parts that are going to disadvantage the current full-time members of their dutiful employment. For members who have been professional firefighters for a number of years, it's a tragedy to think that they would have to give up their profession, let alone work in some irritating way with their peers.

Even in Whitby, in Oshawa and in Clarington, many of the people, I said earlier, from Port Perry—Port Perry's fire service is completely volunteer, and I commend them. Many of them are volunteers who work at other things, but many of them are volunteers who work for York and other areas. Now they're being put at risk because of some—pardon my hard edge here—kind of union language. That's the only problem I have. I think people need protection. The Employment Standards Act and other acts should provide those assurances that people have a balanced relationship with the employer—in this case, it's the municipality. The real employer is the taxpayer.

I have to say that in my riding—it's about 50% rural, 50% urban—I can't think for one moment how they could instantly ramp up to providing a complete full-time fire service. It's my understanding that if it's a 10-people-in-10-minutes rule, that to have 10 full-time positions, you would need, to my understanding, 50 people, because for seven days a week, 24 hours a day at 365 days a year, it takes five people for every full-time position. To man a truck with four on it, do the numbers:

it's \$100,000 for one truck. If it's 10 employees, that's \$500,000, and on the tax base, that's a 5% or 10% tax increase.

*Interjection.*

**Mr O'Toole:** Ask the taxpayers in your community, I would say to the member from Brant. This isn't strictly about that. I think it's clearly a case of providing opportunities first for volunteers and secondly for other people who choose to do it without someone intruding into their personal decision. I believe that they do work hard and in a dangerous environment. I would prefer that at the end of the day, people have free choice without having to be fired. I would prefer that people not be pressured in some way to exercise anything more than their contract of employment requires them to do.

I think that the municipal councils try to match their deployment of resources with the resources available. Again, I think it's unfair to try and characterize this as a comparison between Port Perry and the city of Toronto.

I would like to repeat myself a little bit by saying that it goes back to the very fundamentals of the free spirit, the individual person, with the right, and anything I can do to engage the freedom of the individual is extremely important. I think, Mr Arnott, perhaps this has become probably one of the more difficult issues that most people have dealt with in this House. I don't think there's much pressure on the NDP. Clearly, Wayne Samuelson gives them a call and says, "That's how you vote." But on the Liberal side I know there's a lot of anguish. I know there'll be a bloc vote over there. You mention the word "union," and finished—that's the end of the question.

What we're trying to find is a reasonable solution to a very difficult human problem.

**Mr Parsons:** Then let them find it.

**Mr O'Toole:** Really, I'm surprised as I speak that the member for Prince Edward-Hastings—I'm almost embarrassed for him actually, because I think that if he thought about his community first—that's the people who elected him to speak for them. I think he's being whipped on this vote by Dalton McGuinty. I honestly do. I feel that clearly the people on the other side—I think the member from Hastings-Frontenac-Lennox and Addington—a relative of mine in part of her riding, Bancroft, called me on the weekend and said they were just absolutely amazed. This is a fact. I'm trying to give you fair warning to vote with your heart. Vote with the people that sent you here. This is not about voting against firefighters. There's no one in this chamber that would vote against firefighters. I want to bring some reason to the debate. I believe, and do support, that municipalities at the end of the day and the elected councillors who pay the bill are in the best position to make the decision.

**Mr Parsons:** Because you're not paying a penny.

**Mr O'Toole:** The member from Prince Edward-Hastings has absolutely no clue. I listened to him earlier tonight about the training and the commitment to the college. He is actually doing his community a disservice. In fact, for those who are up this late at night, people like James Gilchrist from Peterborough, perhaps,

a fellow I've spoken to recently—I believe that the members on the other side and this side should vote how their communities are trying to send them.

*Interjection.*

**Mr O'Toole:** Yes, Mr Mazzilli would like to have a word, if that's possible, under this rotation.

*Interjections.*

**Mr O'Toole:** Well, they don't want him to have any word because the member from London-Fanshawe is very concerned on this issue, having served as a police officer for some 20 years, I believe, before he came here.

I don't want to leave on a negative note. I believe in the principle of a free vote. I think it's causing many members—and I don't mean it disparagingly—on both sides of the House, with the exception of the NDP; Wayne Samuelson made up their mind for them. I think the key here is, let's have the vote but let's keep in mind that I want the professional firefighters to resolve this issue internally. It's been in their constitution for 20 years. I can't understand for one moment why they are listening to the larger international union, which is trying to make this into an issue.

Give the member for London-Fanshawe a chance to speak. He needs to be on the record. I've got a minute left and I'd be happy to share it with him.

*Interjections.*

**Mr O'Toole:** They won't permit him to speak. They've shut him down, which is something I've been trying to do for years.

I go back to the basics of the right for people to make choices, the right for volunteers to not feel intimidated. I can only say that we need volunteer firefighters in our communities so that we have the level of service that people expect. I know how difficult it is for municipal people to make the decisions, to make sure they have the level of service they need. I don't see this as in any way a political juggernaut on either side, but I do believe a free vote will certainly be an interesting vote. I myself have been anguishing on this because I know people who are concerned about it on both sides of the issue. But I think that at the end of the day I'm voting with my municipality and I'm voting with the people of Ontario. I believe it's the right thing to do—support Mr Arnott—and, Mr Speaker, I think this debate has been beneficial, although it is getting quite late.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I'm pleased to participate in this debate. We wouldn't be debating this bill if someone or some municipal fire department hadn't tried to discriminate toward firemen who try to render service to a rural community. At the present time, we have what we call in the rural sector "mutual aid." If this bill doesn't go through, I'm afraid that the mutual aid will close, that it won't be in operation any more.

Mutual aid was put in place to try and help out municipalities in the rural sector, such as whenever there's a major fire in a neighbouring municipality, firemen from the next municipality would go out and help those people. They would make sure they kept at least two firemen

at the fire stations from which the fire brigades had gone to the next, neighbouring community to help out with a major fire.

2330

When I look at this bill, I just can't understand why at the present time we're trying to eliminate those firemen who go out in the rural sector. Most of the time those firemen live in a small rural community. They have a full-time job. In my area, the Ottawa region, Glengarry-Prescott-Russell, I have 10 fire brigades or departments—I am not including the city of Ottawa—that are part of my riding. In most of those municipalities that I approached—I talked to every fire department and they told me, and I have the letters of support here, "Jean-Marc, this bill has to go through; otherwise we will be in deep trouble." Why are they saying this? Because at the present time small rural municipalities cannot afford to have full-time firemen.

I have one letter that comes from the township of North Glengarry: "As mayor of the township of North Glengarry, I strongly urge you, on behalf of council and the entire community, to give your full support to the above-noted legislation." That's Bill 30.

Next I've got the township of Alfred and Plantagenet: "Please be advised that the council of the township of Alfred and Plantagenet, at its meeting held on November 18, adopted resolution number 2002-425 to voice its support of the adoption of Bill 30." That is one.

The next one is the Ontario Small Urban Municipalities Association. They're asking us to support the bill. Then I've got, "I am writing to you in my position as captain of the Kemptville fire department to request your support for Bill 30, the Volunteer Firefighters Employment Protection Act." That's another municipality.

The town of Petawawa, which is not in my riding: "Whereas the town of Petawawa and many small municipalities who cannot afford a full-time professional fire department are the beneficiaries of the expertise and these same professional firefighters are at an affordable cost; and...."

I have many of those letters. At one time, when I was mayor of the town of Rockland and the population was 8,000, the services those firemen were rendering to the community were irreplaceable. I remember one night, New Year's Eve, we couldn't find the problem. Only the firefighters were able to find the problem. Otherwise we would have been in a crisis position.

At the present time, all the municipalities surrounding the city of Ottawa have professional firefighters working full-time in Ottawa. They are the ones who offered us the service. In return, the municipality said, "We need you in our community. You people have got the proper training, training you received while being a permanent firefighter. This could render a lot of service to our community." Also, those firefighters working full-time for the city of Ottawa come down and work in the rural sector. Let's say, if we have a barn fire, then that is experience they would acquire working in the rural sector. Ottawa is the city with the largest number of rural



and agricultural areas, and we need those professional firefighters in those agricultural areas.

When I look at all the notes I received from different fire departments, I can tell you that at the present time, with the downloading we have experienced, there is no way we could afford to have full-time firemen. This is the beginning. By having this bill defeated, it would turn around and say that from now on—I remember when I was the mayor. The fire marshal used to come to my place and say, “Mr Lalonde, I think you need full-time firemen for a population of 8,000.” No, we didn’t need it. We had good, trained professional firefighters as volunteer firefighters.

Do you know how much those volunteer firefighters are getting paid? All they’re getting is \$14 or \$16 an hour. This is reported on their T-4. Those firefighters working full-time very often have a side job, and it’s paid under the table. I’ve seen this many times. When they say it is risky to work for another fire department, let me tell you, when I see a fireman working in Ottawa full-time coming down to spray your lawn with pesticide, isn’t that dangerous for the health of this firefighter?

Also, in most of the small municipalities, most of the time it’s 25 volunteer firefighters; they make sure they have at least 20 of their firefighters working locally. Let’s say there’s a major disaster in Ottawa and they are called in to go and help their colleagues in Ottawa, they would let them go. They still have 20 firemen down there to do the work as firemen. I’ve been trying to find out, when do we get a major disaster in a major municipality that would say that all the firemen, even those off-duty, would be called in? Probably during the ice storm we had to get them all in. But try to tell me when this would happen. We have enough firemen in every fire station to cover off, and even those who are off-duty could be called back in. If one of their firefighters is working in a small rural municipality, let me tell you, they have a professional job to do and they would go and help out their colleagues in Ottawa.

At the present time, how many of them declare sick one morning because they were working on a side job and couldn’t report for their regular duties? That would never happen. The same thing as this gentlemen who came to me: he got a six-month suspension, working for a major company. I asked, “Why were you suspended?” “Well,” he said, “I was scheduled to start at 8 o’clock. I reported I was sick and they caught me working for a mover.” He got a six-month suspension. It should be the same for the firefighters. If you’re not there on your regular duty and you perform other duties in other municipalities, any other type of duties, if you don’t report for your regular shift, you should be disciplined because of not reporting properly.

I can’t believe this Legislative Assembly cannot support this bill. Let me tell you, in my own town, the volunteer firefighters were getting the same benefits as the regular employees. They were part of the union. They were part of the insurance plan. I strongly believe that anyone who is working as a volunteer or as a full-time

firefighter should be covered by health insurance. They should have special coverage because they’re performing firefighter duties. They should also have a pension plan at any time. No matter the number of hours that they’re working, they should be part of a pension plan.

**2340**

While I was the mayor of the town of Rockland for 15 years, I sat on the AMO board of directors for 11 years, nine years of which I was on the municipal development committee. On that committee, we had the services of professionals from the cities of Ottawa and Toronto who could come down and help out the small municipalities. That’s what this bill is saying. The firefighters from major municipalities would be allowed to continue, as they do at the present time, doing some volunteer work in their own communities. It’s because they enjoy living in that community and they want to render a lot of services to the community.

Just to come back to mutual aid, I remember a few years ago, going back probably 10 or 12 years, one fire department from a municipality didn’t want to go to the neighbouring community because they had said that this community had not contributed to mutual aid. But, again, they proved that all municipalities in eastern Ontario should be part of mutual aid because we could not afford to have full-time firemen. Also, by adding this mutual aid agreement, we could expect to receive those services from the neighbouring municipality.

But, again, I will definitely continue supporting this bill. I also have a letter here from AMO. AMO is saying, “These two-hatters, as they are sometimes called, provide leadership and experience to rural and remote communities who rely on their skills and expertise to supplement local departments. Without these skilled and dedicated volunteers, municipalities would be forced to hire new workers with less experience and training. The estimated property tax increase would be in the area of 16% to 20%. We cannot afford this type of increase in our municipal taxes.”

Mr Speaker, going back about three months ago, I read in the Ottawa Citizen that the little village of Osgoode was short of firefighters for a major fire. I don’t know if it is your riding or John Baird’s riding.

**Interjection:** John’s.

**Mr Lalonde:** John Baird’s. When I read this story, immediately I got back to my office I noticed why they could not find enough firemen to respond to the major fire they had within the municipality. It’s because they had some firefighters who were working for the city of Ottawa and they were told that if they were going to give that service as volunteers in their own communities, they would be suspended and probably lose their jobs.

**Hon Mr Klees:** That’s shameful.

**Mr Lalonde:** It’s a real shame, yes.

I’d just like to read the contents of the bill in French:

« Pas de représailles à l’encontre des pompiers volontaires

« 56.1(1) Nulle association de pompiers ne peut prendre de mesures disciplinaires à l’encontre d’un

membre qui est employé contre rémunération dans un service d'incendie au seul motif qu'il travaille également en tant que pompier volontaire.

« (2) Nulle association de pompiers ne peut refuser de représenter une personne qui est employée contre rémunération dans un service d'incendie ou de lui délivrer le statut de membre au seul motif qu'elle travaille également en tant que pompier volontaire.

« Protection des pompiers volontaires

« 56.2 Malgré toute autre disposition de la présente loi ou de toute convention collective, nulle personne ne peut être licenciée de son poste de pompier ou de pompier volontaire parce qu'elle a cessé d'être membre d'une association de pompiers ou d'une unité de négociation, ou que son statut de membre de l'association ou de l'unité de négociation a été suspendu, au seul motif qu'elle travaille en tant que pompier volontaire.

« Protection d'emploi

« 56.1(1) Malgré toute autre disposition de la présente loi ou toute convention collective, nulle association de pompiers ne doit, directement ou indirectement, exiger qu'un employeur prenne une des mesures suivantes pour un motif énoncé au paragraphe (3) :

« 1. Refuser d'employer quiconque en tant que pompier.

« 2. Licencier quiconque en tant que pompier.

« 3. Refuser d'affecter quiconque à la fourniture des services de protection contre les incendies en application de la présente partie. »

This is why at the present time we are debating this bill. We know that there are some municipalities that have told their firefighters, "If you do work as a volunteer firefighter, you are subject to suspension and to disciplinary action. This would mean if that neighbouring municipality needs some additional help, you're not allowed to go. You could let the house burn completely and we won't allow you to go and render that service." I wonder, if the volunteer firefighters were doing it as free, whether the action would be the same.

At the present time, once again, I do believe in a pension plan. I do believe in a union for firefighters. But in this case we are trying to allow volunteer and permanent firefighters to come and help out small communities. Again, I will support this bill.

**Mr Kormos:** On a point of order, Mr Speaker: Can we have unanimous consent for that same member to have another 20 minutes?

**The Speaker:** There are two up there. The Minister of Northern Development.

*Interjection.*

**Hon Jim Wilson (Minister of Northern Development and Mines):** No.

Mr Speaker, I appreciate the opportunity. I know other colleagues wanted to speak—

**Mr Frank Mazzilli (London-Fanshawe):** On a point of order, Mr Speaker: Since I didn't have any time to speak, I want to make it clear that I will be opposing this bill for many different reasons.

**The Speaker:** I thank the member, but the Minister of Northern Development has the floor.

**Hon Mr Wilson:** I do appreciate the opportunity. I thank the member for London-Fanshawe for allowing me a very few moments to speak.

This is a very important bill for my riding, even with those fire departments that are mixed full-time and part-time, like Wasaga Beach. I was asked by the chief and a number of firefighters on Friday night at a public function in front of a lot of people to support Bill 30. I want to thank Ted Arnott, the member for Waterloo-Wellington, for really a number of months now of hard work in bringing this bill forward. He's been tenacious and he's to be congratulated. No matter what side of the issue you're on, Ted has done a great job in bringing this to this point.

To me the issue is an issue of freedom. I don't think any of us have the right to tell people what to do on their days off. When I first heard of the bill, I didn't know much about the issue, but the fact of the matter is that the principle hit me right away. I didn't take a lot of time deciding this. I think it's the best bill that I've had an opportunity to vote on. It truly shows that I'm a Conservative. I believe in freedom. If firefighters and everyone in this country and province aren't fighting for freedom, I don't know what they're fighting for.

The fact of the matter is that people have to be free to do what they want on their days off. No association, no government, no one should have the right to say what to do outside their normal working conditions. I wouldn't want anyone telling me what to do in my life in that sense, and I don't think others would either. I can't believe that all full-time firefighters who are members of the association now are in any way totally opposed to this bill. Many independent thinkers must see some relief in this bill that the union can't tell them what to do outside their regular working hours.

Firefighters are responsible people. They've been in this practice, in volunteer service or working full-time, in our case in a more urban setting, and then helping out when needed in their communities, helping out with training and fighting the fires and adding a level of expertise to our volunteer forces that is appreciated. It's not always needed, because we have very professional volunteer forces that are well trained, but it is appreciated and they bring an expertise to the table that wouldn't be there in some cases.

**2350**

Recently we opened an extension of the Markdale fire hall. Again, the chief from Durham came over. That's not even in my riding, but he made a special trip to make sure that I was on side with Bill 30. As I've said to them all from the very beginning, "It's not a big problem for me, in that it's a question of freedom, a question of your rights as an individual in this society." At the end of the day, if this bill doesn't pass, I can't believe that this won't be resolved by the courts anyway. I just can't believe any association can tell you what to do. If you've got five days on and five days off, no one can tell you



what to do in those five days off, as long as you are fit and ready for work when you are supposed to be at work and you live up to your collective agreement.

I have a mixed riding, in that I have a full-time fire department in Collingwood, and I've not heard from them on this issue. I've heard from every other municipality in my riding, whether it be Clearview, which is the former township of Nottawasaga, Sunnidale township, Stayner and Creemore. Great pride is taken in Clearview by that fire department. We just opened, a couple of years ago, a new station for them. If you look at Clearview or New Tecumseth—and by the way, the chief of New Tecumseth, which is Alliston, Tottenham, Beeton and the former Tecumseth township, spoke to me on Sunday. He's a fellow I went to high school with, Dan Heydon. He's the only full-time employee, and he was just hired full-time this year; there's a lot of administrative work as chief of New Tecumseth so the municipality hired him full-time. He's already told me that because of this kerfuffle and this nonsense that's going on, he has already lost two or three and could be losing his fourth firefighter, because they're people who work in the city now in their full-time job and then volunteer in Alliston and Tottenham and Tecumseth township and Beeton.

So it's already having an effect, and I hope this bill passes so it will put an end to it. I hope the parties come together too. Obviously there's some healing to do. I hope goodwill comes and that everybody is friends in the end, as we say. But my municipalities, with the exception of Collingwood, have all asked for me to support this bill. I have no problem in doing so.

Our firefighters in rural and small-town Ontario aren't just professional in what they do in fighting fires but are literally the lifeblood of our communities. They run our baseball, our hockey, our soccer—most of our recreational activities. They fundraise for numerous causes. They're there when you need them for all kinds of things, even Remembrance Day. I don't have Legions in some of my small towns, so it's the fire brigade that comes out and provides the parade and marches the colours with great pride. When they march those colours, they're marching for freedom.

Freedom is I why I ran for politics. Freedom is why we all should be here. It is why our ancestors and our relatives and our grandparents and our grandfathers died and fought in the wars. Our charter, which was brought in by another party than my own at the federal level, upholds freedom as its most valued principle in society. I think that has to be upheld in everything we do, whether it's in the workplace or our days off. As I said at the beginning, I don't think anybody has the right to tell you what to do.

Everybody has a second job in these days. I mean, there are lots of police officers in my riding—

*Interjections.*

**Mr Arnott:** On a point of order, Mr Speaker: I'm about four seats down from the honourable member, my colleague. I can't really hear what he is saying because of

the interjections from the opposition. Could you ask them to behave themselves?

**The Speaker:** Thanks. I appreciate that. The member is sitting very close. I've allowed some leeway. I would ask all members to—

*Interjection.*

**The Speaker:** Just a second; let me finish up. We'll allow the honourable member to continue.

**Mr Mazzilli:** On a point of order, Speaker: I would ask for unanimous consent to have one minute before turning it back over to the minister.

**The Speaker:** Is there unanimous consent to allow the member for London-Fanshawe to speak for one minute? OK. Then it goes back to the minister.

**Mr Mazzilli:** I want to thank all sides for the one minute.

There's a lot more to this issue between volunteers and professionals. The professional firefighters have never opposed volunteers. In fact, this is about part-time firefighters, and we have to understand that. When you belong to a professional association and you've been trained by a professional association, if you get in trouble and there's an inquest, who is going to represent you, the professional association or the volunteer one, with no backup support if you get in trouble? This is the difficulty we have with this kind of system.

I suggest that the municipalities in difficulty get together with the municipalities with professional firefighters and have hire-on rates, like police officers, where you hire on, through that municipality, the professional firefighters, and they are covered both through—

**The Speaker:** The member's time is up. The Minister of Northern Development and Mines.

**Mr Bisson:** Mr Speaker, on a point of order: It's rather sad, but I'd like to move unanimous consent to give Frank another two minutes. I know he had other things he wanted to say. He's been trying to get into this debate. Unfortunately, his members have not allowed him to speak.

**The Speaker:** Is there unanimous consent? No. The Minister of Northern Development and Mines.

**Hon Mr Wilson:** I said no this time, Mr Speaker, because I would like an opportunity to speak myself. I'm a member of this Legislature too. As a minister, frankly, we don't get to speak out that often, and this is a wonderful opportunity to put something on the record that I strongly believe in. These guys get to speak all the time.

I will say to the member from London-Fanshawe that I'm sure the associations do a great job for their members. They are there to back them up, as is the police association, of which he was a former member, and that's great. Again, I don't think they have the right—they have to earn the right, if anything—to do that in our areas, where the association isn't prevalent now. Our firefighters are fully backed up by their municipalities. We went through that last year or the year before with an adjustment we had to make to one of our workers' compensation bills. We sat down with our firefighters and

learned—I knew, because I've been around so long—that the municipalities back them up.

All I can say is that I haven't had firefighters come to me in my riding over the years saying they don't like the relationship with the municipality. They obviously have confidence in the people they work with and the people who try and provide them with the resources to do their job.

Our communities simply aren't going to survive without these people, and we should be upholding them. Causes like muscular dystrophy—

**Interjection:** Oh, come on.

**Hon Mr Wilson:** Well, if you live in my community, as I said, even on Remembrance Day parades have to be done by the firefighters, and they do it joyfully. They never complain. They don't come running to their MPPs about every little issue they have. They are professionals, professional in their daily lives. And you're damn glad to see them: there have been a lot of fires in my farm area, in my farm family, over the years and you're damn glad to see them when they show up. We should support them every step of the way and we should allow them to do what they want to do.

**Mr Kormos:** Mr Speaker, on a point of order: Children down in my constituency are watching this. Can he please watch his language?

**The Speaker:** I thank the member for his help. The Minister of Northern Development and Mines, please.

**Hon Mr Wilson:** I'm going nowhere fast here, at 12 o'clock at night. I appreciate the opportunity and I appreciate the hard work the member for Waterloo-Wellington has done. I hope members spend the next few hours not just sleeping but thinking about this issue, thinking about the fact that it is freedom and about the fact that—

**Mr Kormos:** Mr Speaker, on a point of order: I would like to draw your attention to the fact that it is 12 of the clock.

**The Speaker:** It isn't quite. We go by that watch. I'm a little bit ahead. It is not quite 12 o'clock.

**Mr Bisson:** Mr Speaker, on a point of order: I would like to draw the attention of the House to the great number of people in the gallery today.

**The Speaker:** Don't waste our time doing that. The Minister of Northern Development and Mines has the floor.

**Hon Mr Wilson:** It's just getting rude, is what it is.

**Mr Kormos:** I apologize.

**Hon Mr Wilson:** Thank you very much. Mr Speaker, it being 12 of the clock, I adjourn the debate.

**The Speaker:** This House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2400.*



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**Legislative Assembly  
of Ontario**

Third Session, 37<sup>th</sup> Parliament

**Assemblée législative  
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Troisième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
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**Tuesday 10 December 2002**

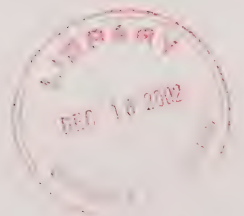
**Mardi 10 décembre 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 10 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 10 décembre 2002

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### SCHOOL CLOSURES

**Mr Dominic Agostino (Hamilton East):** Tonight at a meeting, the hand-picked supervisor of Elizabeth Witmer and Ernie Eves is going to recommend the closure of up to 11 schools in the city of Hamilton. This is in view of the fact that as we speak here today, a report is being released that is going to deal with the funding formula. It is the height of irresponsibility and arrogance for this government and for their hand-picked supervisor to go ahead with school closures while a funding formula that could fundamentally change the way we fund education in Ontario and possibly save those schools—I'm asking the government, through the minister today, to direct her supervisor not to proceed with these school closures until the funding formula has been put in place and the recommendations have been implemented.

Particularly affected, among others, is Lloyd George school in my riding, a small school in an industrial neighbourhood on Beach Road. This is not simply a school where kids go during the day; it's a community centre. It's a place where people meet at night; it's a gathering point. It is the heart of this community. I tell this government that if you close Lloyd George school, you'll rip the heart out of this neighbourhood, a neighbourhood that takes pride in itself. It's a small neighbourhood right in the shadow of the steel mills, but it's a neighbourhood that cares. Kids care about each other. The parents care about each other. It is a school where the community comes together. It will be absolutely disgraceful if this government, through their hand-picked supervisor tonight, recommends the closure of Lloyd George school and the other schools in the city of Hamilton.

You're not closing schools; you're destroying communities. I ask you to wait. Wait until the funding formula is in place and make recommendations based on that. Don't do the irresponsible thing.

#### HUMAN RIGHTS

**Mr AL McDonald (Nipissing):** It is an honour to invite all Ontarians to celebrate International Human

Rights Day. Fifty-four years ago, the United Nations adopted the Universal Declaration of Human Rights.

Ontario has a proud record of leadership in protecting human rights. In fact, this year marks the 40th anniversary of the Ontario Human Rights Code, the first of its kind in Canada. The Ontario Human Rights Code mirrors the universal values of equality, dignity, tolerance and non-discrimination. Our respect for human rights underlies Ontario's success as a diverse, peaceful and prosperous society.

Governments have a clear responsibility to protect human rights. But for human rights to flourish, people must accept individual responsibility to uphold human rights in their communities.

This morning, Lieutenant Governor James K. Bartleman awarded the Lincoln M. Alexander Awards for 2002 to two outstanding young people for their leadership in eliminating racial discrimination: Bikramjit Nahal of Dundas and Tamara McDonald of Thunder Bay. It's especially appropriate that this year's recipients be honoured on International Human Rights Day.

The dedication of these two people shows the ideals of human rights advocacy in action. Ontarians support a society where every human being is treated with dignity and respect. Let us continue to work together so that this new century will truly be an age of universal human rights.

#### HEALTH INSURANCE

**Mr James J. Bradley (St Catharines):** A major new crisis is beginning to confront the health care field, and that crisis revolves around the skyrocketing costs of insurance and the availability of insurance coverage in certain categories.

A prime example of this problem is being confronted by respite care workers in the Niagara Region, and likely in the rest of the province, who deliver this service in the homes of their clients. Last year, the service providers paid \$52 each in insurance premiums to receive coverage. This year, it has been increasingly difficult for these independent workers to obtain coverage, and if such coverage were to be available, it would likely be at a cost ten times higher than that charged last year. Since those who hold these positions receive only a modest income, huge increases in insurance costs cannot be afforded by the workers.

Since the workers cannot be expected to absorb this dramatic rise in insurance premiums and the clients



cannot sustain an increase in the fees they pay, both are looking to the Ontario Ministry of Health to increase its funding to this service to reflect these additional burdensome costs.

I urge the Ministry of Health to move immediately to provide appropriate funding increases and to work with the Ministry of Consumer and Business Services to enlist insurance coverage at an affordable rate for the workers affected. People in a vulnerable position look to the Ontario government to assist them when the need is great and their own ability to meet this genuine need is beyond their personal reach. I believe they need and deserve this helping hand from their provincial government.

#### BOWMANVILLE SANTA CLAUSE PARADE

**Mr John O'Toole (Durham):** I am pleased to rise in the House today to pay tribute to one of Bowmanville's most enduring traditions, our Santa Claus parade. Whether it's a church group, a service club, a marching band, a business or a youth organization, they all come together every year for the parade.

These volunteers from across our community create an event that has delighted generations of children, as well as their parents, grandparents and indeed families throughout the municipality of Clarington in my riding of Durham. I should add that this is a non-commercial parade. You won't find advertising, even on my own float, and banners, because the objective is to create an event that is strictly for the community, with the possible exception of my Liberal federal member. Nevertheless, over 100 businesses are among the strong and proud supporters of the parade.

I can assure you the response each year is tremendous. Well over 10,000 visitors crowd the downtown streets to watch and cheer on their friends and neighbours in the procession. This year, our 41st annual parade was held November 16. It included close to 60 floats, bands and other entries. The theme was "Kids Are Christmas."

I would like to pay tribute to all those who made the event possible either by attending or by participating. Since it wouldn't be possible to name all the people, although I'd like the time, they include Valerie Gardiner, Sharon Smith, Roger Leetooze, Susan St. John, Valerie McCormick, Stacy Belanger, Greg Belanger, Betty Irving, Rob Flynn, Tammy Johnson, Terry Tzikas, Sheri Lusted and Marie Hammond. As usual, they did an outstanding job.

The Bowmanville Santa Claus parade unites our community like no other event. It shows that the community spirit is a very close neighbour of the spirit of Christmas. I'm pleased to say you'll find all of these spirits always in my riding of Durham.

#### HUMAN RIGHTS

**Mr Gregory S. Sorbara (Vaughan-King-Aurora):** As my party's human rights critic, I am pleased and

honoured to be able to rise today to say a few words on this, the 54th anniversary of the Universal Declaration of Human Rights.

Passed by the United Nations on December 10, 1948, 54 years ago the world gathered together to make a profound commitment to the equality of every human being in the world. This is a living document and is the first pillar of the 20th century's human rights laws and the cornerstone of the universal human rights movement.

#### 1340

For all the changes the world has seen, the Universal Declaration of Human Rights remains at least as relevant and fundamentally important as it was on the day it was adopted 54 years ago. Its principles provide for all governments an ultimate standard, a measure of their legitimacy and their effectiveness in serving the best interests of their citizens.

Let us not think that the battle to protect and enhance human rights in Ontario is over. We have much to do for communities that historically have been on the margin and have suffered the tyranny of the majority in Ontario.

The quest for human rights and justice is a noble cause in its own right. But it is even more, for it embodies all the basic purposes of the United Nations: peace, justice and prosperity for all. I invite all my friends in this Legislature to celebrate our undying commitment to human rights for all.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr David Christopherson (Hamilton West):** Over the last seven years, we've seen how the Tory obsession with tax cuts has steadily eroded the services we most value in our communities. Gutting services to give tax cuts to the wealthy has hurt many of Hamilton's most vulnerable citizens, especially those with developmental disabilities.

Contact Hamilton was created by the Ministry of Community and Social Services as the single point of service access for persons with developmental disabilities. They have over 100 children and adults on wait lists who need developmental services, including accommodation, respite care, vocational services and day supports. When future planning needs are included, the numbers rise to more than 500 people who need these services.

The biggest problem, apart from the lack of services, has been the complete lack of designated beds in Hamilton for those with developmental disabilities. This has hurt individuals like Joey, a young person with developmental disabilities who lives in our community. Back in October, when the government refused to recognize the shortage of educational assistants in Hamilton, Joey's caregivers were forced to try to find a respite bed for him. At that time, there were no respite beds allocated for adults with developmental disabilities, and Joey was bounced around from facility to facility because they could not meet his needs.

Hundreds more children and adults are not getting the help they need. If this government were to spend half the money on community services that it spends on consultants, this rapidly growing crisis would not exist. When will you stop hurting our most vulnerable citizens and allocate adequate funding for more beds and programs? It's time you treated those with developmental disabilities with the respect they deserve and the services they need.

#### DECORUM IN CHAMBER

**Mrs Margaret Marland (Mississauga South):** As we approach the end of this session, it is appropriate to reflect on what it means to have the privilege of serving in this House.

In all Parliaments, we will always have different opinions, but we should be able to show consideration for different points of view. Healthy debate is a good thing. In recent weeks, though, there has been an appalling lack of respect for each other in this place. In my 18 years here, I don't recall ever having witnessed such an absence of decorum. Our poor behaviour is an insult to the public who are our guests when our actions go beyond different partisan opinions into personal attacks and poor language.

There are, of course, times when we do put partisan differences aside and come together with a consensus; for instance, on the reports of the alternative fuels and Legislative Assembly committees. When we speak with one voice, our collegiality is heartwarming. For instance, I wish to tell you how much it meant to my husband, Ken, and to me when all members rose last month to recognize our 45th wedding anniversary. May I thank you all for that; it was deeply appreciated.

I truly believe it is a privilege to serve our electorate and to act in a way that makes them proud of us. We should be demonstrating the respect and dignity that this hallowed chamber represents.

I would also like to convey my appreciation to the staff who support us: parking and security, maintenance, the table staff, Hansard, committees, broadcast and interpretation, library and research, administration and information systems, interparliamentary and public relations, and our personal and caucus staff. Without you, we could not do our work. Thank you and may God bless you all this Christmas and throughout the year ahead.

#### GOVERNMENT'S RECORD

**Mr Gerry Phillips (Scarborough-Agincourt):** I arrived in my office yesterday to find another example of what I call the urban myth that the Conservatives are good managers. Amazingly, here we are almost at the end of the year, and what do we get but the government's business plans delivered to us. Frankly, if it were a company, it would be laughable. Here they are with three weeks to go in the year and they finally deliver the business plans.

Last week, the auditor—if it wasn't so serious, it would be funny—pointed out that many of the consultants they hired haven't even paid their back taxes. Half the corporations in Ontario not only are not paying their taxes, they're not filing their income taxes.

We found that the government laid off 40 people and within days hired them back at twice the rate. There was a consultant paid \$725 a day in April, \$1,800 a day in May and \$2,100 a day in September. In four months, it went from \$725 a day to \$2,100.

The government tabled its economic outlook here. The interest cost right now is \$700 million more than when they took over, in spite of interest rates dropping.

I say to the public of Ontario, another urban myth, that the Conservatives can manage the finances and the economy, is not true. Here we are, the business plans being presented to us virtually weeks before the year ends; the debt going up; the auditor almost laughing at the government, as I say, if it wasn't so serious. Again, it's another urban myth that needs to be dispelled.

#### BUSINESS AWARDS

**Mr Norm Miller (Parry Sound-Muskoka):** I rise today to highlight a special event held recently in my riding of Parry Sound-Muskoka. On Saturday, November 30, more than 200 people gathered at the Jolly Roger hotel just outside of Parry Sound to celebrate the 105th annual general meeting and gala evening of the Parry Sound and Area Chamber of Commerce.

It was a great honour to participate in the annual business awards ceremony and to be on hand as the Minister of Northern Development and Mines, the Honourable Jim Wilson, delivered the keynote speech.

As a testament to the honour of receiving one of these awards, I would like to point out that there were so many nominations in some categories that the judges decided on a tie.

This was the case with the Entrepreneur of the Year award, which I had the privilege of presenting to two worthy recipients. The first winner of this prestigious award was Murray Orr of Orr's Fine Meats. The second recipients of the Entrepreneur of the Year award were Ted and Jocelyn Shipman, owners of E.A. Shipman Electric.

I would like to recognize all of the businesses that received awards at this year's ceremony. Ms Miranda Chivers received the President's Award for her work on various volunteer committees. The Whitestone Lake Resort owners and operators, George and Joey Deadman and Les and Pauline Love, received the Tourism Award for their outstanding efforts in growing tourism in the Whitestone Lake area. Mr Peter Kropf of Kropf Industrial Inc received the Industry Award for his commitment to the local economy.

I would ask that all members of the House join me in congratulating all the recipients of this year's awards for the dedication and hard work they provide to their communities.



## VISITOR

**The Speaker (Hon Gary Carr):** Just before we begin, we have a special guest in the Speaker's gallery. Joining us today is Monsieur Jean-Louis Hérivault, Chef de Poste of the Bureau de Québec in Toronto. Please join me in welcoming our special guest.

## REPORTS BY COMMITTEES

STANDING COMMITTEE  
ON ESTIMATES

**The Speaker (Hon Gary Carr):** Standing order 62(a) provides that the standing committee on estimates shall present one report with respect to all of the estimates and supplementary estimates considered pursuant to standing orders 59 and 61 no later than the third Thursday in November of each calendar year.

The House not having received a report from the standing committee on estimates for certain ministries on Thursday, November 21, 2002, as required by the standing orders of this House, pursuant to standing order 62(b), the supplementary estimates before the committee of the Ministry of Community, Family and Children's Services, the Ministry of Health and Long-Term Care, the Ministry of Northern Development and Mines, and the Ministry of Training, Colleges and Universities are deemed to be passed by the committee and are deemed to be reported to and received by the House.

1350

**M. Gilles Bisson (Timmins-Baie James):** On a point of order, Mr Speaker: Monsieur le Président, je demanderais le consentement unanime de l'assemblée aujourd'hui pour passer en deuxième et troisième lecture le projet de loi que j'ai intitulé projet de loi 202 sur le traitement partiel des rapports officiels en deux langues. Comme vous le savez, il n'est pas toujours évident que les rapports qui sont écrits par les commissions sont donnés ici en français en même temps. J'aimerais être capable de rectifier ce problème en passant cette loi, et je demanderais le consentement unanime pour être capable de passer cette loi cet après-midi.

**The Speaker:** The member will know—I believe this is relating to the two languages in committee?

**Mr Bisson:** Unfortunately, far too often you have to do it in both languages to clearly get people to understand what you're doing. As you know, currently in the province of Ontario this Legislature operates in both official languages when it comes to laws and other documents that we deal with here in the Legislature. The problem we have is that it's not evident when it comes to commissioned reports that those commissioned reports are being tabled at the same time in both French and English. I have a law that I brought here to the Legislature earlier that basically would make it obligatory for commissions and other documents that report in the Legislature to report both French and English at the same

time, and I ask for unanimous consent for that law to be passed here today, this afternoon.

**Interjection:** It was the wrong bill number.

**The Speaker:** Je comprends. The problem wasn't with the French; it was with the bill that you asked for. You asked for a bill?

**M. Bisson:** C'est pour avoir des rapports officiels en deux langues—202.

**The Speaker:** We're having trouble with that bill. That's the problem, not the language.

**M. Bisson:** L'habileté d'introduire et passer cette loi cet après-midi—c'est bien clair ?

**The Speaker:** If you're asking for unanimous consent, we need to—

*Interjection.*

**The Speaker:** Which bill? Quel numéro ? You don't know the number. Well, we can't very well ask, regardless of the language—

*Interjections.*

**The Speaker:** We'll continue; we'll try to work it out. Reports by committees?

STANDING COMMITTEE  
ON ESTIMATES

**Mr Alvin Curling (Scarborough-Rouge River):** I beg leave to present a report from the standing committee on estimates.

**Interjection:** What does the report say?

**Mr Curling:** Dispense.

**The Speaker (Hon Gary Carr):** Dispense. No further action is required.

## VISITORS

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** On a point of order, Mr Speaker: I'm sure all members would like to join me in welcoming the Barrett family, the parents of one of our pages, Michael Barrett, today in the gallery.

**The Speaker (Hon Gary Carr):** We welcome our guests.

## INTRODUCTION OF BILLS

CONDOMINIUM AMENDMENT ACT  
(TRANSIENT TENANCIES), 2002  
LOI DE 2002 MODIFIANT LA LOI  
SUR LES CONDOMINIUMS  
(LOCATIONS TEMPORAIRES)

Mr Smitherman moved first reading of the following bill:

Bill 224, An Act to amend the Condominium Act, 1998 to limit the use of condominiums by transient tenants / Projet de loi 224, Loi modifiant la Loi de 1998

sur les condominiums afin de limiter l'usage des condominiums par des locataires de passage.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr George Smitherman (Toronto Centre-Rosedale):** The lack of clarity by members indicates that I should say this would not affect your right as parliamentarians to lease on a longer-term basis a condominium in downtown Toronto. But this bill does seek to limit a circumstance occurring whereby condominium owners, some of whom are in the gallery today, are living in their condominium units and the unit right next door is being operated with a different person in it every night, just like a hotel. This seeks to limit that practice.

**M. Gilles Bisson (Timmins-Baie James):** Sur un point d'ordre, monsieur le Président : Pour une raison ou une autre la table n'a pas ramassé la Loi 145, selon ce Feuilleton. So it's Bill 145, as printed in the Orders and Notices paper that is before us now.

**The Speaker:** The member is asking to proceed for second and third reading of Bill 145, An Act to amend the French Language Services Act to provide for the availability of certain reports in both English and French at the same time.

Is there unanimous consent? I'm afraid I heard some noes.

## ELECTRICITY AMENDMENT ACT, 2002

### LOI DE 2002 MODIFIANT LA LOI SUR L'ÉLECTRICITÉ

Mr Lalonde moved first reading of the following bill:

Bill 225, An Act to amend the Electricity Act, 1998 / Projet de loi 225, Loi modifiant la Loi de 1998 sur l'électricité.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** This bill amends the Electricity Act, 1998, to give municipal electricity utilities the right to purchase the distribution and retail operations of Hydro One within their municipal boundaries. Municipal corporations are also given the right of first refusal to purchase another municipality's electricity utility if the other municipality decides to dispose of its electricity utility.

Because of recent amalgamations of municipalities in Ontario, many hydro consumers in rural areas such as Ottawa, Hamilton, Sudbury and many others, are faced with higher electricity bills than those in urban areas. This bill will create a fair environment for all hydro consumers.

## JAY LAWRENCE AND BART MACKEY MEMORIAL ACT (HIGHWAY TRAFFIC AMENDMENT), 2002

### LOI DE 2002 COMMÉMORANT JAY LAWRENCE ET BART MACKEY (MODIFICATION DU CODE DE LA ROUTE)

Mr McDonald moved first reading of the following bill:

Bill 226, An Act in memory of Jay Lawrence and Bart Mackey to amend the Highway Traffic Act / Projet de loi 226, Loi modifiant le Code de la route à la mémoire de Jay Lawrence et Bart Mackey.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr AL McDonald (Nipissing):** I believe this bill will help save our youth from possible injury and death. I look forward to speedy passage of this bill.

## FOOD SAFETY AND QUALITY AMENDMENT ACT, 2002

### LOI DE 2002 MODIFIANT LA LOI SUR LA QUALITÉ ET LA SALUBRITÉ DES ALIMENTS

Mr Peters moved first reading of the following bill:

Bill 227, An Act to amend the Food Safety and Quality Act, 2001 / Projet de loi 227, Loi modifiant la Loi de 2001 sur la qualité et la salubrité des aliments.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Steve Peters (Elgin-Middlesex-London):** This amendment to the Food Safety and Quality Act will allow the province to make good on its promise to the dairy farmers of Ontario more than a year ago. The repeal of the Edible Oil Products Act is set to take place in June 2003. Dairy farmers are prepared to accept the act's repeal with an extension to ensure that all regulatory frameworks are in place. The former minister, Mr Coburn, acknowledged the concerns of the dairy farmers regarding the lack of federal safeguards to ensure that products are labelled properly. The minister plans to remove reference to the June 2003 repeal. By moving the repeal deadline to June 2005, all stakeholders in the industry will have the necessary time to collaboratively ensure that regulations are in place that adequately protect not only the dairy industry but consumers as well as stakeholders from the edible oils industry.

Mr Speaker, I seek unanimous consent that this bill be called for second and third reading.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

**Mrs Sandra Pupatello (Windsor West):** On a point of order, Mr Speaker: Yesterday it was brought to our attention that the sensitive lists for tax assessments that were made available to us for Toronto and Windsor are



now not available for the other regions in Ontario. We're requesting that the government table those lists today.

**The Speaker:** That's not a point of order, but I appreciate your help.

## MOTIONS

### HOUSE SITTINGS

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that notwithstanding the motion passed by the House on Monday, November 18, 2002, pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Tuesday, December 10, 2002, Wednesday, December 11, 2002, and Thursday, December 12, 2002, for the purpose of considering government business.

**The Speaker (Hon Gary Carr):** Mr Stockwell moves that notwithstanding the motion passed by the House on Monday, November 18, 2002—dispense? No, they want to hear it—pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Tuesday, December 10, 2002, Wednesday, December 11, 2002, and Thursday, December 12, 2002, for the purpose of considering government business.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1403 to 1408.*

**The Speaker:** All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

### Ayes

Agostino, Dominic	Flaherty, Jim	Munro, Julia
Arnott, Ted	Galt, Doug	Mushinski, Marilyn
Baird, John R.	Gerretsen, John	Newman, Dan
Barrett, Toby	Gilchrist, Steve	O'Toole, John
Bartolucci, Rick	Gill, Raminder	Ouellette, Jerry J.
Beaubien, Marcel	Gravelle, Michael	Parsons, Ernie
Bountrogianni, Marie	Guzzo, Garry J.	Peters, Steve
Bradley, James J.	Hardeman, Ernie	Phillips, Gerry
Brown, Michael A.	Hastings, John	Pupatello, Sandra
Bryant, Michael	Hoy, Pat	Ramsay, David
Caplan, David	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Ruprecht, Tony
Clark, Brad	Johns, Helen	Sampson, Rob
Cleary, John C.	Johnson, Bert	Sergio, Mario
Clement, Tony	Kells, Morley	Sorbara, Greg
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DeFaria, Carl	Mazzilli, Frank	Wilson, Jim
Di Cocco, Caroline	McDonald, AL	Witmer, Elizabeth
Dombrowsky, Leona	McLeod, Lyn	Wood, Bob
Duncan, Dwight	McMeekin, Ted	Young, David S.
Ecker, Janet	Miller, Norm	
Elliott, Brenda	Molinari, Tina R.	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

Bisson, Gilles	Martel, Shelley	Prue, Michael
Kormos, Peter	Martin, Tony	

**Clerk of the House (Mr Claude L. DesRosiers):** They ayes are 82; the nays are 5.

**The Speaker:** I declare the motion carried.

### CONSIDERATION OF BILL Pr17

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I think I have consent to send this to committee.

I move that standing order 87 respecting notice of committee hearing be suspended for consideration of Bill Pr17, An Act respecting the Reena Foundation, by the standing committee on regulations and private bills on Wednesday, December 11, 2002.

**The Speaker (Hon Gary Carr):** The minister is asking for unanimous consent. Agreed.

### VISITORS

**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: I would like recognize Mr Remple's grade 10 class from Bowmanville High School who are visiting with us today.

**Mr R. Gary Stewart (Peterborough):** On a point of order, Mr Speaker: I'd like to welcome Mr Myrvold and Ms Hope, the principal and vice-principal of Adam Scott school, who are the principal and vice-principal of Lauren Van Leeuwen, our page. Welcome.

### DEFERRED VOTES

#### SUSTAINABLE WATER AND SEWAGE SYSTEMS ACT, 2002

#### LOI DE 2002 SUR LA DURABILITÉ DES RÉSEAUX D'EAU ET D'ÉGOUTS

Deferred vote on the motion for third reading of Bill 175, An Act respecting the cost of water and waste water services / Projet de loi 175, Loi concernant le coût des services d'approvisionnement en eau et des services relatifs aux eaux usées.

**The Speaker (Hon Gary Carr):** Call in the members; this will be a five-minute bell.

*The division bells rang from 1412 to 1417.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
Cunningham, Dianne  
DeFaria, Carl  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.

Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Mushinski, Marilyn

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph

Crozier, Bruce  
Curling, Alvin  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hoy, Pat  
Kormos, Peter  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
Martel, Shelley  
Martin, Tony

McLeod, Lyn  
McMeekin, Ted  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 40.

**The Speaker:** I declare the motion.

Be it resolved that the bill do now pass and be entitled as in the motion.

**MEMBER'S BIRTHDAY**

**Mr Dominic Agostino (Hamilton East):** On a point of order, Mr Speaker: I just want the House and those watching to acknowledge that this a great day for my colleague from Hamilton Mountain, Marie Bountrogianni, her 29th birthday. She keeps holding there. Congratulations and best wishes.

**CONSUMER PROTECTION STATUTE  
LAW AMENDMENT ACT, 2002**

**LOI DE 2002 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LA PROTECTION DU CONSOMMATEUR**

Deferred vote on the motion for third reading of Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells range from 1421 to 1422.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Agostino, Dominic  
Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Bartolucci, Rick  
Beaubien, Marcel  
Bisson, Gilles  
Bountrogianni, Marie  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Chudleigh, Ted  
Churley, Marilyn  
Clark, Brad  
Cleary, John C.  
Clement, Tony  
Coburn, Brian  
Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph  
Crozier, Bruce  
Cunningham, Dianne  
Curling, Alvin  
DeFaria, Carl  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Ecker, Janet

Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gerretsen, John  
Gilchrist, Steve  
Gill, Raminder  
Gravelle, Michael  
Guzzo, Garry J.  
Hardeman, Ernie  
Hastings, John  
Hoy, Pat  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Kormos, Peter  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
Marland, Margaret  
Martel, Shelley  
Martin, Tony  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
McLeod, Lyn  
McMeekin, Ted

Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Mushinski, Marilyn  
Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Runciman, Robert W.  
Ruprecht, Tony  
Sampson, Rob  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 90; the nays are 0.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**SAFE DRINKING WATER ACT, 2002**

**LOI DE 2002 SUR LA SALUBRITÉ  
DE L'EAU POTABLE**

Deferred vote on the motion for third reading of Bill 195, An Act respecting safe drinking water / Projet de loi 195, Loi ayant trait à la salubrité de l'eau potable.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Same vote.

**The Speaker (Hon Gary Carr):** Same vote? Agreed? Agreed.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 90; the nays are 0.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.



## FUNERAL, BURIAL AND CREMATION SERVICES ACT, 2002

### LOI DE 2002 SUR LES SERVICES FUNÉRAIRES ET LES SERVICES D'ENTERREMENT ET DE CRÉMATION

Deferred vote on the motion for third reading of Bill 209, An Act respecting funerals, burials, cremations and related services and providing for the amendment of other statutes / Projet de loi 209, Loi traitant des funérailles, des enterrements, des crémations et des services connexes et prévoyant la modification d'autres lois.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1426 to 1427.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
Cunningham, Dianne  
DeFaria, Carl  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.

Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Mushinski, Marilyn

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tumbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Cordiano, Joseph

Crozier, Bruce  
Curling, Alvin  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hoy, Pat  
Kormos, Peter  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, David  
Martel, Shelley  
Martin, Tony

McLeod, Lyn  
McMeekin, Ted  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 40.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## 2010 COMMONWEALTH GAMES

**Hon Frank Klees (Minister of Tourism and Recreation):** I seek unanimous consent move a motion relating to the 2010 Commonwealth Games.

**The Speaker (Hon Gary Carr):** Is there unanimous consent? Agreed.

**Hon Mr Klees:** This motion is seconded by the member from Hamilton East and the member from Hamilton West, I believe. It reads as follows:

"Whereas the Hamilton bid for the 2010 Commonwealth Games has received the support of the Premier of Ontario, the Minister of Tourism and Recreation, the leader of the official opposition, the leader of the third party, and all Hamilton MPPs;

"Therefore, let it be resolved that the Legislative Assembly of Ontario endorse and support the city of Hamilton's bid for the 2010 Commonwealth Games."

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## VISITORS

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I know that all members of the House will want to join me in welcoming our visitor in the gallery, the former mayor of Ottawa, Jim Watson.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I am pleased to welcome the members of ONEIA, the Ontario Environment Industry Association, to Queen's Park. I would also like to inform everyone that today is Environment Industry Day, and we are invited to a reception they are hosting between 5 and 7 today in rooms 228 and 230. I thank you for coming and I welcome you to Queen's Park.

## ORAL QUESTIONS

### DOMESTIC VIOLENCE

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the Attorney General. Minister, you are no doubt familiar with the case of Gillian Hadley, the Pickering woman shot dead by her estranged husband, who was in violation of his bail conditions. An inquest into her death came back with some very specific recommendations. You have ignored most of them.

The jury specifically told you to keep those who are accused of violating their bail or probation conditions behind bars until trial. Today we learned that in more than half the cases, 58% of the time in Toronto alone, you are letting these men out to roam freely and potentially stalk, abuse and kill their partners.

Minister, spousal homicides in Ontario are on the rise. Instead of getting tough on these violent offenders, you are letting them walk away with a slap on the wrist. Why have you ignored most of the Hadley inquest jury recom-

mentations and why have you abandoned victims of domestic violence?

**Hon David Young (Attorney General, minister responsible for native affairs):** I thank the member opposite for raising this important issue. Let me begin by saying that our hearts and our thoughts go out to the victims of these terrible crimes, and of course to the families, who continue to suffer each day.

We find ourselves in a situation, when these occurrences take place, where we do understand that we must do more. Indeed, what occurs when these terrible tragedies take place is that our resolve strengthens. We are very proud of the fact that as a government we have done more than our predecessors in Ontario and indeed we've done more than any other provincial government. But the fact that we are spending \$145 million each and every year isn't enough. We understand that there have to be some changes made, and that's why we've called on our federal colleagues, the Liberals in Ottawa, to amend the Criminal Code to ensure that if an individual breaches their bail in a domestic violence case, they go to jail. I hope you will join us in calling on the federal Liberals to make that change.

**Mrs Bountrogianni:** We are the provincial government and we have responsibilities for the province of Ontario. If your definition of strengthening your resolve is cutting funding to second-stage housing, that's not much of a resolve, Minister.

Your record on domestic violence is one of abandonment and neglect. A study by the Women Abuse Council of Toronto shows just how little you care about standing up for victims for crime. Of those convicted of domestic abuse, 37% got conditional discharges, 25% had their sentences suspended and another 7% got off with some house arrest. Under your watch, only 20% of abusers serve any time in jail. That's your record on crime: 20% in jail. The rest just walk away.

We know from the Provincial Auditor's report that when criminals are let loose on the streets in Ontario you don't keep track of them. You don't enforce court orders. You just turn the other way. Minister, stand up and tell the women who are terrified for their lives why you refuse to protect them and put their abusers behind bars.

**Hon Mr Young:** Let me just comment on the questioner's statement that this is a provincial issue. When it comes to matters that are provincial issues, we're prepared to do whatever we can. The member's quite right to be asking questions about this serious issue, but by the same token, she must acknowledge that there are some issues that are within the provincial domain and some within the federal domain. She knows that when it comes to amending the Criminal Code, that is something that only the federal government can do. Instead of being partisan on this issue, she should join with us in asking the federal government to amend the Criminal Code in the way I suggested. That's the only point.

Now, in terms of provincial initiatives, I'm very proud of the fact that as a government we have implemented or are in the process of implementing in excess of 90% of

the recommendations that came from the May-Iles inquest. We heard what the jury had to say. We are thankful for their assistance in this regard, and we are acting.

**Mrs Bountrogianni:** Minister, with all due respect, involving the federal government is not the only point.

With respect to the Hadley recommendations, a search on the Web site doesn't show anything in your women's directorate about any Hadley recommendations. All your talk won't protect a single woman from being abused. That will take real action. You've abandoned victims of crime in Ontario. You stand by and do nothing while convicted criminals roam our streets.

One way to protect women who have fled abuse is through second-stage housing, but you eliminated all of the funding for counselling and support services in second-stage housing that abused women relied on. You abandon the victims and take away their programs and you side with the criminals and let them roam free.

Dalton McGuinty has a plan to get tough on crime. He'll restore funding to second-stage housing and he'll make sure abusers stay where they belong, behind bars. We have a real plan to protect women across Ontario. If you won't stand up for victims of crime, then get out of the way and let Dalton McGuinty and the Ontario Liberals do the job.

**Hon Mr Young:** Rather than try and treat this very important issue as a political football, I would suggest that the member opposite work with us and try to encourage all involved in the system to do better. That's what we're doing, and we are listening to what the Hadley inquest and the jury recommended.

We have acted, Mr Speaker, and with your permission I'll review, cite the particular recommendation number. We have enhanced bail training for crown attorneys in matters related to domestic violence; that was recommendation number 8. Recommendation number 50 was for local domestic violence coordinating committees to be established; we have acted in that regard. We have acted in relation to recommendation number 10: we have asked the federal Minister of Justice to amend the Criminal Code so that there is a reverse onus in place for domestic violence cases where there is a breach of bail. We've acted in relation to recommendation 38; that relates to a \$5-million enhancement to safety and security and accountability when it comes to shelters for abused women and children. We've acted in relation to recommendations 46 and 47, which is a \$5-million dollar allocation for a public—

**The Speaker (Hon Gary Carr):** I'm afraid the time is up, Minister.

## LOBBYISTS

**Mr Dwight Duncan (Windsor-St Clair):** I have a question for the Minister of Energy. This morning the Premier told reporters that anyone doing business with the government was required to disclose to the government "anything that even resembles a potential conflict."



Minister, was your government aware that Hugh Mackenzie's company was lobbying on behalf of Direct Energy and National Grid when it was paying the same company \$600,000 to work with the Ministry of Energy on electricity restructuring?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** It was this government that brought in legislation with respect to the Lobbyists Registration Act. It was this government that brought in practices that require conflict-of-interest rules for all contracts. We did that back in 1997. Those things were the right things to do.

At no time did Enterprise Canada, with respect to the numbers you've talked about, engage in any public policy work for the government of Ontario. You said, in a letter released yesterday, "A consultant should not be allowed to lobby the very ministry they are consulting for." I agree.

1440

**Mr Duncan:** My question wasn't answered. I want to go back to the minister on the question of standards of integrity. There were flaws in the bill you passed in this House. We felt at the time it didn't go far enough.

Your government paid a company whose president is a good friend and trusted campaign adviser over \$3 million. At the same time, the same firm was getting paid by private interests to lobby you and your government. On several occasions, they were lobbying the same ministries they were advising.

The Premier has asked you and the Minister of Health to investigate the government's dealings with Enterprise Canada. We on this side of the House don't believe that's good enough. We believe you ought to release the contracts—all of the contracts. You need to disclose exactly what they were paid \$3 million to do. Anything less, Minister, would not provide this House with an accurate and adequate accounting. Will you, on behalf of your ministry, on behalf of other ministries that are affected, commit today to release all those contracts to the members of this assembly?

**Hon Mr Baird:** Of course all government documents are available for public examination. There is a process to do that and we certainly would respect any part of that process. Enterprise Canada is a vendor of record. They had gone through a public process back in the year 2000 to deal with communications. The type of work they did for my ministry included a public education strategy with respect to the market opening, with respect to research, with respect to news conferences, with respect to stakeholder management, town hall logistics, and putting together pamphlets and various advertising programs. All the work they did at our ministry was about public policy decisions that had already been taken. I think the member opposite should be careful not to besmirch the reputation of good, hard-working people in Ontario.

**Mr Duncan:** What's at stake here is the reputation of a government. I'd like to know, Minister: yesterday you confirmed, and you just reconfirmed, that Enterprise Canada was hired specifically to help with, and I quote

from you yesterday, "electricity restructuring." That's the very issue Direct Energy and National Grid hired them to lobby your government on. In our view, it gets worse. According to you again, one of the specific things that company was hired by the Ministry of Energy to do was to organize town hall meetings. The filing with the lobby registry is also clear. While they were organizing town hall meetings for you, Direct Energy paid them to organize grassroots communications on energy restructuring with your government. You also confirmed that in addition to setting up these meetings, taxpayers paid Enterprise Canada to research and sell electricity restructuring.

Again, Minister, will you release the contracts? Will you release the rules they were operating under, or are you simply to going to let this thing hang out there without an adequate opportunity to discuss and see—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up.

**Hon Mr Baird:** In the province of Ontario we have an open process with respect to awarding contracts. We have additional measures that allow these documents to be made public and will certainly respect all those rules. The Provincial Auditor, a good friend of the taxpayer, brought forward some concerns with respect to the use of consultants in the province. The Premier immediately said he wanted to adopt that and even directed the Chair of Management Board and the secretary of cabinet on a process that would go even farther than the Provincial Auditor raised.

#### PRIVATE HEALTH CARE SERVICES

**Ms Shelley Martel (Nickel Belt):** I have a question to the Deputy Premier. This spring we asked the Premier if his decision to introduce for-profit MRIs had anything to do with ties of his staff to for-profit health care companies. He said, "I don't have any ties to private sector for-profit health care clinics."

We reminded him about a company called Endopis Medical Inc, and that prior to being hired as his chief of staff, Steve Pengelly was a paid lobbyist for that company. We have obtained a confidential document outlining the proposal by this same company to provide MRIs and CAT scans across the province. It reveals that the company began meeting with the Ministry of Health about this matter as early as May, 2001. We know that the Premier's chief of staff was representing the company at this time. Deputy Premier, you must understand how bad this looks. Will you now cancel this RFP process and put the brakes on for-profit health care?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I would just remind the member opposite of the fact that it was our government which actually undertook to introduce, in 1997, some very strong, government-wide conflict-of-interest rules for all contracts. In fact, we were the very first government to do that, and I can tell you that prior to 1997 the rules were very inconsistent and there was no government standard for

each ministry. As you know, these contracts explicitly banned conflicts of interest and every firm is required to declare their conflict.

**Ms Martel:** Deputy Premier, I asked you if you would cancel this RFP process because it's not just the conflict of interest that concerns us. The deadline for the proposals for this process is December 24 at noon. To date, over 500 questions have been submitted about this RFP process; many involve conflict-of-interest guidelines. Ministry staff have been unable to tell those who have written the questions when they will respond to them.

Secondly, we also know that the College of Physicians and Surgeons is setting the standards for these new MRI and CT clinics. We also know that as late as yesterday afternoon a college committee was still meeting and making major changes to those standards. The version attached to the RFP is only a draft.

Deputy Premier, you're moving forward with this plan before the necessary standards are even in place. What is motivating your government to rush for-profit MRI clinics?

**Hon Mrs Witmer:** All of the contracts were chosen through the government's competitive selection process with regard to the issue of the bidding process for clinics to run MRIs and CT scanners. The accusation that Enterprise is lobbying this government is completely false. The RFP process prohibits interaction between minister and ministry staff. As you know, the only communication allowed is questions requiring answering by the potential bidder and these are sent to an RFP coordinator.

We have, as I said before, the highest standards possible in place to ensure that there is a competitive bidding process. The RFP is completely fair, it is above-board and it is transparent.

**Ms Martel:** Deputy Premier, the question was: what's motivating you to rush this for-profit MRI process? You see, I think this process is tainted by the appearance of conflict of interest. It is also tainted by your drive to proceed even though adequate standards are not in place. It is further tainted by the hundreds of questions, serious questions, that have been raised that remain unanswered. Further, you should know that at the ministry information session that was held two weeks ago behind closed doors Ministry of Health officials let it slip that the minister has already given approval for two for-profit, mobile MRI units even though radiologists have expressed serious concerns about patient safety when these carefully calibrated machines are out on the road.

Minister, your government can't guarantee patient safety when you can't even put an RFP together. Put the brakes on this tainted process and put patient care ahead of profits. Will you do that?

**Hon Mrs Witmer:** Speaker, I'll refer that to the minister for the—

**Hon Tony Clement (Minister of Health and Long-Term Care):** The honourable member wants to know what is motivating the government of Ontario. I'll tell you what's motivating the government of Ontario: accessibility for the patients of Ontario, better health

care, more health care, more accessibility to diagnostics, better patient care, better health care for the people of Ontario. That's what's motivating this side of the House. We are proud to be on the side of the people of Ontario. Better access to diagnostics: that's what it's all about. We will continue to fight for the patients of Ontario, because that's what a good government does.

1450

## FOREST INDUSTRY

**Mr Gilles Bisson (Timmins-James Bay):** We know what motivates this government, and that's helping its friends on Bay Street, not the patients.

My question is to the Minister of Natural Resources. Yesterday my colleague from Sault Ste Marie asked you about the closing of the Domtar mill in Sault Ste Marie. In response, you told him you are going to let Domtar continue harvesting wood off their licence and send it anywhere they want in Ontario for processing, to the detriment of the community of Sault Ste Marie.

Let's be clear: when the sustainable forestry development act was passed by this Parliament, under the leadership of Howard Hampton, it was the intent of that legislation that the licence was tied to the mill and that the mill was there for the benefit of the community. What you are announcing is a clear reversal of that policy.

I'm saying, Minister, that it's clear where you're going with this whole thing. Your intent is on clear-cutting communities across northern Ontario rather than protecting them and the jobs in those communities. Will you reverse your policy and go back to what we put in place, which was the protection of those communities when it came to those licences?

**Hon Jerry J. Ouellette (Minister of Natural Resources):** First of all, I find it interesting that the member from Sault Ste Marie can't even ask the same question on behalf of his community; he has to have somebody else speak about it.

Not only that, but when you talk about communities such as Temagami and the other mills up in Kenogami, what happened up there? The mayor came down and specifically asked us to keep those workers working in that community. What the member is asking me to do is shut down all the work in that mill in Sault Ste Marie. We intend to keep as many people as possible employed in the forest industry in Ontario.

**Mr Bisson:** First of all, you're full of it. I'm the critic for MNR, and I'm working along with my colleague Tony Martin and any other northern member across this province who is seeing their community devastated by what you're doing.

The issue here is clear: we have allowed amalgamation and we have allowed companies across northern Ontario such as Domtar and Tembec to group together under one banner. What they're saying is, "These are our licences; we can do what we want," to the detriment of Kirkland Lake, of Sault Ste Marie and of Sturgeon Falls.



What I'm calling on you to do is something real simple: honour the legislation we put in place in this province, which says the licence is tied to those mills and those communities. Will you reverse your policy, or will you see every worker in those communities put at risk?

**Hon Mr Ouellette:** Very clearly, what the member is asking for is to make sure those workers who are in the forest in northern Ontario are not working. I will make sure that when the mayors come forward, whether it's Kirkland Lake or Sault Ste Marie, if we can keep people employed in the north, we will do so, and the fibre will remain in the province of Ontario, as much as the Ministry of Natural Resources can accommodate.

**The Speaker (Hon Gary Carr):** New question, the member for Renfrew-Nipissing-Pembroke.

**Mr Tony Martin (Sault Ste Marie):** Any time you want to go head-to-head, let me know.

*Interjections.*

**The Speaker:** Order. I would ask all members' cooperation. The member for Renfrew-Nipissing-Pembroke has the floor.

*Interjections.*

**The Speaker:** The Minister of Transportation is out and the member for Sault Ste Marie is out as well. I name both of you. I ask Mr Sterling to leave, and I ask the member for Sault Ste Marie to leave as well. Carry on outside. If you want to yell at each other, do it all afternoon if you like. Congratulations to all of you. I think we've now hit 40.

*Mr Sterling and Mr Martin were escorted from the chamber.*

**The Speaker:** The member for Renfrew-Nipissing-Pembroke has the floor.

#### PROVINCE OF ONTARIO SAVINGS OFFICE

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** My question is to the Minister of Finance. In last week's Economic Outlook and Fiscal Review which you presented to the province, you make plain that in the next couple of months you and your government are going to have to get busy with the sale of assets or rental of government properties, because, according to your fiscal plan, you're going to require something in the neighbourhood of \$2 billion in the sale or rental of government assets and properties to make your budget numbers add up.

Against that backdrop, I'd like to ask you the following question: can you confirm that your government is now just days away from finalizing the sale of the Province of Ontario Savings Office, and can you further explain to this Legislature how the sale of the Province of Ontario Savings Office is going to serve the broad public interest in Ontario?

**Hon Janet Ecker (Minister of Finance):** First of all, as the honourable member will know, this spring we laid out a budget plan. We had revenue forecasts and expenditure forecasts, as is the normal course of things. We

provided flexibility for in-year changes, which happen from time to time as governments seek to be responsive to the needs of their people. That is as it has been for every budget and we are following that plan.

As it comes to referring to POSO, the Province of Ontario Savings Office, as the honourable member should know, we announced over a year ago that the government would be seeking a financial institution better qualified to run a bank than the government is, and we are following through with that process.

**Mr Conway:** Well, in communities like Pembroke, Woodstock, Owen Sound, Aylmer, St Marys and many others across the province, many communities that are not particularly well served by the traditional financial services sector, the very reason that 80 years ago the government of Ontario established the Province of Ontario Savings Office, in communities like Pembroke and Seaford and St Marys tens of thousands of Ontarians who have made something like \$3 billion available to Her Majesty's provincial government on deposit—those depositors, to say nothing of the hard-working men and women who provide such excellent service in this provincial savings office, want to know two things: how is your sale of this valuable public asset, about to be announced in the next very few days, going to protect and enhance the public interest, and perhaps even more importantly, how is it going to protect and serve the interests of those very happy Ontarians who for decades, in communities like Pembroke and St Marys and Seaford, have been well served by the Province of Ontario Savings Office and almost to a person do not want that savings office closed down in their community or sold off?

**Hon Mrs Ecker:** I'm sure the honourable member would agree that the appropriate organization to be providing banking services to citizens is not the government for a small little group of citizens; it should be a regulated financial institution with the knowledge, the qualifications, the financial backup to have expanded services for folks who need those services in communities. I agree that many of those POSO operations are in smaller communities. That's one of the reasons—and I'm surprised the honourable member is not aware of this—that we have put in the request for bids specific restrictions on staffing, on locations, on trying to maintain or expand service hours for communities, because we think that's an appropriate thing to do for the residents in those communities.

#### AGRICULTURE INDUSTRY

**Mr John O'Toole (Durham):** My question is for the Minister of Agriculture and Food. Minister, you've visited my riding of Durham a number of times. You know it's a rich, diversified and very successful part of Ontario agriculture. Last week I was surprised when the member for Elgin-Middlesex-London, Mr Peters, issued a news release regarding our government's commitment to supply management. Minister, could you provide not just me and the farmers in the riding of Durham but

indeed all Ontario with a clear explanation of our government's position on the important future of this issue?

1500

**Hon Helen Johns (Minister of Agriculture and Food):**

I was at the federal-provincial-territorial meeting last week, and when I came back I was surprised to see that the member from Elgin-Middlesex-London had sent out a press release saying that this government had a qualified and hesitant support of supply management. I want to quote to you the letter I had sent out:

"I assure you that the Ontario government, including the Ontario Ministry of Agriculture and Food, continues to strongly support supply management. Supply management has worked well for the dairy, egg, broiler hatching egg, chicken, turkey and flue-cured tobacco industries in the province." Does that sound like qualified support? I've got to say, I was pretty surprised.

Furthermore, the member is somewhat dismayed that I have said, "It is important that supply-managed commodities continue to evolve in order to respond to the changing environment in which they operate."

I'd like to refer everyone to the Web site of the Dairy Farmers of Ontario, where they state, "Working with farmers across Canada, DFO is positioned to respond to new trade rules and the realities of a changing market"—exactly the same thing. I think the member opposite was making a mountain—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Mr O'Toole:** I know agribusiness in my sector is ready to meet change and the challenge of change, and certainly I know you're working closely with them. I'm almost embarrassed to admit that the member from London-Middlesex should apologize to you.

Minister, you mentioned the importance of systems and programs that work well for Ontario farmers. There is no doubt that our government has compiled an outstanding record of consulting with farmers on their priority issues and acting, I might say, decisively to address those issues. Can you further describe how our government has relentlessly addressed some of the important agricultural policy areas, as opposed to the Liberals' reaction to such events as you've described?

**Hon Mrs Johns:** I would like to thank the member from Durham for his question. I would also like to say that he has worked very hard with his agricultural community and I am most impressed with the record he has.

I'd like to say that we have conducted a series of public consultations. One that the Liberals would be most interested in is the passage of the Agricultural Employees Protection Act. We heard from farmers that they needed protection from potentially devastating labour disputes at harvest or planting, and to our surprise, right after the Liberals voted for this bill, the party president, the member for Vaughan-King-Aurora, suggested that ultimately they would repeal the legislation, a remark made right after they voted. So you have to wonder about the

logic and the consultation that's going on on the other side.

I also have to say that we've been consulting on regulations under the Nutrient Management Act. Our meetings are all across the province in the months of December and January. So on this side of the House, the members will be working very hard—

**The Speaker:** The minister's time is up.

## WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL

**Mr David Ramsay (Timiskaming-Cochrane):** I have a question to the Minister of Labour. I want to talk to you today about your incompetent management of the injured worker system in Ontario.

As you know, the Workplace Safety and Insurance Appeals Tribunal is the final level of appeal for injured workers and employers in this province. Workers' lives are in suspension while these cases are being deliberated. Minister, you and your predecessors have made \$90,000-a-year appointments that are inappropriate and costly. Case in point: Ken Dechert, brother of Bob Dechert, friend of Mike Harris, first appointed in June 1997 and reappointed in August 2000. In 2000, assignments decided by each of the other vice-chairs on the tribunal averaged around 80 cases in that year. The assignments decided by Ken Dechert were zero in that year. That's \$90,000 for nothing. There is also a 120-day rule to make decisions after hearing work is completed. For the 18-month period ending July of this year, his average decision time was 608 days.

Minister, injured workers and employers are waiting for these decisions. Dollars are being wasted and lives are on hold. Stop playing politics with workers' lives. Why don't you ensure that the appointments to this tribunal are appropriate so that employers, who pay for this, get value and injured workers get timely justice?

**Hon Brad Clark (Minister of Labour):** First of all, I would like to thank the member for the question. We can state very unequivocally here that we have improved the WSIB and WSIAT significantly since we took office in 1995. We're down to \$5 billion in the unfunded liability. Injuries in the workplace have dropped 30%, which is significant. We have increased inspections by 25%. We have had significant increases in terms of fines.

As for the approval rating for the WSIB—staggering: 70% for the employers and 68% for the employees. So when you consider all of that, clearly WSIAT and the WSIB are doing the job. They're doing more work than ever before and they're getting the job done.

**Mr Ramsay:** Minister, another example of appointment recklessness was the appointment of John Koutoulakis, a car salesman with no legal or medical expertise, as a part-time vice-chair by then-minister and good friend Chris Stockwell. Mr Koutoulakis also struggled in his job. Shortly after being appointed Minister of the Environment, Mr Stockwell rescued his friend and appointed him as a special assistant. But reversing this inappropriate



appointment meant that 20 cases Koutoulakis was working on were suspended until the parties could agree on how to proceed. Again, 20 lives were put on hold and thousands of dollars wasted while reckless political appointments were being made.

Minister, when are you going to clean up this system and ensure that for these important decisions, for important positions such as these, you appoint qualified and competent people?

**Hon Mr Clark:** When you consider the record of the government and when you consider the decisions that have been made at WSIAT, the backlogs have been virtually cleared. If the member wants to point out specific anomalies here or there, the reality is that overall the program is working extremely well. We're appointing people to the boards who have the experience and the ability to do the job. It's based on merit, not partisan politics.

*Laughter.*

**Hon Mr Clark:** They can laugh. I could pull out numerous records from when you guys were in office and made partisan appointments. The list is extremely long. But on this side, when I took the position I took, I made it abundantly clear that we were going to have unbiased, impartial, unprejudiced members on all our arbitrations, all our tribunals, to ensure they're doing the right thing based on the facts that are presented to them. That's what we're doing. If they're not doing the job, then they'll be removed from the position. We want, very clearly, people who understand the job and are doing the job.

### RESEARCH STUDY

**Mr Cameron Jackson (Burlington):** My question is for the Minister of Community, Family and Children's Services. A McMaster University research team has been granted access to private children's aid society files in search of underaged girls whose background is that of personal abuse. They wish to subject them to a series of stressful research tests on depression.

These vulnerable crown wards have no parents to protect their privacy rights, and yet three children's aid societies agreed to subject them to a series of on-going stressful tests without any follow-up treatment should they require it. To be fair, the CAS actually rejected a more invasive protocol involving injections and blood samples that was approved by the university's research ethics board. Minister, can you advise us when you first learned this research team was reviewing confidential CAS files of abused children in Hamilton and Halton?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I want to thank my colleague from Burlington for this question. My colleague has brought up a very complex issue. I want to be very clear that as a government we take our job very seriously to protect all children in Ontario, but we feel we have a special obligation particularly to those children who are crown wards through the children's aid. I recently learned of this study. I am informed it's been going on

for about two and a half years. In this case, I'm informed the girls are asked to listen to the beginning of a story and finish it, but it is part of a study to study the effects of stress.

I will say to my colleague that when this was brought to my attention, it did raise some issues of concern for me. I think we would all agree there is no way we want children to be allowed to be exploited in any way, but we also don't want to deprive children who may have special needs who could benefit from certain kinds of studies. So I say to my colleague, I've instructed my staff to look into this matter, to give me advice on how we think we should proceed on this, and of course with our first and foremost interest to protect the needs of our children.

**Mr Jackson:** Minister, the Child and Family Services Act that governs the children's aid society is there to protect crown wards and their confidential records. However, it has come to my attention that part VIII of that bill, the section dealing with disclosure on confidentiality and access to records, was never proclaimed when it was gazetted in October 1985. It would appear, therefore, that access to confidential CAS files is being given by children's aid societies without the legal protection of the act.

Minister, I have serious concerns about this issue generally, and specifically about this oversight and the growing practice of recruiting vulnerable people as research subjects. These people are not mice in a maze. These are our most vulnerable people in Ontario. They are persons with developmental disabilities, the elderly, child victims of abuse and persons in psychiatric care.

Minister, will you undertake a full review of all and any research projects that are currently occurring in our province that have access to confidential files, and will you investigate why the sections of this act were never proclaimed?

1510

**Hon Mrs Elliott:** I thank my colleague again for bringing this matter to my attention and to the attention of the House. The interests of the children, particularly those who are crown wards in the province of Ontario, are very important to me. I have asked my staff to come forward to give me advice. I will take all the notes that my colleague offers as additional suggestions into account as we look at this particular topic.

I think it's important that whatever standards we have, they are very clear and very high, with the first and foremost objective to protect the interests of the children. I invite advice on this matter from any of my colleagues here in the Legislature, and particularly from the member for Burlington. I intend to speak to the Ontario Association of Children's Aid Societies, as well as consult with the privacy commissioner on this particular topic.

Again, to my colleagues, I seek your advice on this matter. I will be looking into this with the interests of the children at heart, first and foremost.

## BORDER CROSSING AT WINDSOR

**Mr Michael Prue (Beaches-East York):** My question is for the Deputy Premier. For decades, the people of Windsor have suffered traffic, noise, congestion and all that's related to that at the border crossings. Earlier this year there was a glimmer of hope. Your government and the government of Canada said they were willing to spend some \$300 million to look at the problem of cross-border traffic and congestion. However, after some 60 days of study and no public consultation, a secret report has now been developed that no one has seen, particularly the people of Windsor. They have had absolutely no input to that report.

Madam Deputy Premier, will you give a commitment to sit down with the people of Windsor and find out what they want before you release the results of that secret report, and actually consult with them on what is best for their community?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** If the member opposite is asking if there will be further consultation, I can certainly say that our government has always indicated its willingness to work with the city of Windsor and the federal government and make sure that whatever action is taken is responsive to the needs of that particular community.

**Mr Prue:** The problem is that there has not been any consultation in the first 60 days of this secret report. What is worse is not only that there's no consultation, but the recommendations remain secret. What is being hidden here? What are you and the federal Liberals trying to hide? Why is this report still a secret? Why has no one seen it? When will you go public and involve the people and work with them to find a solution to what has been ongoing in their neighbourhoods that is acceptable to the people of Windsor?

**Hon Mrs Witmer:** I would just repeat what I said to the member opposite. We have always said we want to work with and make sure we consult with the federal government and the people of Windsor. I can assure you that as actions are taken, as planning starts to proceed, there will be ample opportunity for further discussion and consultation.

## MENTAL HEALTH SERVICES

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. The auditor's report that was released last week contains a damning indictment of your government's lack of concern for people suffering from mental illness. The auditor tells us there has been no increase in base funding to mental health agencies in the last 10 years. He notes that over the last years there have been cuts in services to those with serious mental illnesses because of this lack of funding. These cuts happened after your government claimed it was absolutely committed to providing community mental health services. You have been quick to decide to shut down beds in psychiatric hospitals, and

you are ready to pass a law making it easier to force people into treatment. But you have done virtually nothing to make that treatment available. In fact, Minister, in the last two years you underspent the budget for community mental health by millions of dollars, despite the acute needs that you knew were there.

After starving community mental health services for the seven years of your government, after underspending the community mental health budget last year and the year before, will you now finally keep your commitment to community mental health and provide more funding in the next budget?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I would like to thank the honourable member for her question. I hope she shares my and this government's commitment to better mental health services, particularly community mental health services. The fact of the matter is that when you factor in all the new services that we as a government have funded since 1995, we have increased spending in the whole area by about 27%; we've invested more than \$380 million in new dollars since 1995.

The issue is, of course, that we want to start focusing that money, as she so rightly put it, on community mental health. I'm waiting with as much patience as I can muster for the mental health implementation task forces. They will be a way to guide us to the best way to make public investments in community mental health because that's what we want to do as a government and that's what society needs as well.

**Mrs McLeod:** Facts, not words: no increase in base budgets to community mental health agencies for the past 10 years. It's \$14 million underspent in the current year's budget for community mental health, and \$57 million underspent in the year before that for community mental health. The auditor tells us you have no idea what the needs are. He says your ministry doesn't know how many people are waiting for treatment or how long they are waiting. He says you have no standards for community mental health and you have no idea what level of services are needed. The Community Mental Health Association estimates that 50% of people with mental illness who need help are not getting it. What we know, fact, is that more and more people with mental illness are in jail because there is no other place for them to go.

Last weekend, Leslie Ann Trussler died in a fire in London, Ontario. Leslie Ann was the 38-year-old mother of a five-year-old daughter. She had been released into the community from a Sault Ste Marie hospital on a community treatment order, but the supports that should have been in place weren't there. In Leslie's name, I ask: this time, will you do more than talk about your commitment to community mental health?

**Hon Mr Clement:** With the greatest of respect to the honourable member, there are some inaccuracies in what she's saying. The fact of the matter is we've added \$45 million for supportive housing for those with mental illness; \$8 million for 30 children's mental health beds in Toronto alone; 56 assertive community treatment teams



delivering community-based mental health services; and \$15.8 million announced just last year for the first stage of implementing Brian's Law, a law of which we are particularly proud. I want to put those on the record so that honourable members know we have been there.

The fact of the matter is, though, that we should wait for the mental health implementation task forces. I think the honourable member would be the first to criticize us if we acted before we heard from the consultation, if we made decisions before we heard from the mental health community, both mental health survivors as well as those who are active in the community. That's exactly what we're doing. That should not be seen as a lack of commitment to mental health; in fact, it should be seen as an absolute commitment to better mental health in our province.

### LONG-TERM CARE

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Associate Minister of Health and Long-Term Care. Of course I'm talking about the energetic, hard-working, committed Daniel Newman, representing Scarborough Southwest.

#### *Interjections.*

**Mr Johnson:** Every member of the House knows how important it is to meet the long-term care needs of Ontario's growing and aging population, especially in Windsor. You should listen and hear. This will help you in Windsor as well. This challenge is faced across the province, including my great riding of Perth-Middlesex. According to the census, Perth-Middlesex has an overabundance of mature citizens. I'm proud to be part of a government that's meeting the challenge and providing even better care for Ontario's seniors.

As of 2002, and as it's coming to a close, I'd like to ask the associate minister if he could provide an update in this House to my constituents on the status of long-term care in this province.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I thank the honourable member for his question. It's always my pleasure to respond to the energetic, hard-working and committed member for Perth-Middlesex.

I am very pleased to say that long-term-care services in Ontario are in excellent shape as the year draws to a close, far better shape than they were in when we were first elected in 1995.

1520

The Ernie Eves government is taking the necessary steps to provide even better care to Ontario seniors and those others who require long-term care. In fact, this year we announced \$100 million in new money for better nursing and personal care. Our inspections are on target for this year and we've taken action against facilities that don't comply with our high requirements for residents. Our focus is on providing even better care for residents, and that's exactly what we're doing.

It's coming to the end of 2002, and I'm proud to say that long-term-care services in Ontario are in far better shape than they were in 1995.

**Mr Johnson:** I'd like to thank the minister for that response. I'm pleased to hear that our government's commitment to long-term care is making a difference in the lives of my constituents and the lives of residents in facilities across Ontario, including my riding of Perth-Middlesex, which, as I said, has a great need for care and long-term services. I'll be sitting on the step of the associate minister to get those services. Indeed, if I were closer to him in this House, I'd probably be at his side every day.

I know that our government's historic \$1.2-billion investment toward even better long-term-care services in Ontario is making a real difference for even better care across the province. I'd like to ask the associate minister if he could please update my constituents and this House on this unprecedented long-term-care initiative.

**Hon Mr Newman:** I once again thank the honourable member for Perth-Middlesex for his question. I'm very pleased to say that our government is keeping our promise of adding 20,000 new beds and 16,000 redeveloped beds to the long-term-care system though the \$1.2-billion investment that we announced in 1998. This includes 256 redeveloped beds in the honourable member's own riding. The fact is that it was our government that fixed the problems that the Liberals and NDP created when it comes to long-term care in Ontario.

Before our 1998 announcement to add tens of thousands of new and redeveloped beds to the system, no new long-term-care beds had been added since 1988. That's an unbelievable fact. Both the Liberals and the NDP knew that the need for better long-term-care services in our province was inevitable, but they chose not to take action and they put it off until another day. But our government took action and that's why long-term care is far better off today than it was in 1995, when we were first elected by the people of Ontario.

### FETAL ALCOHOL SYNDROME

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Minister of Community, Family and Children's Services. As I'm sure you know, fetal alcohol syndrome is the only preventable form of mental retardation. It is caused by a birth mother consuming alcohol during pregnancy. I think it's fair to say that there aren't individuals with FAS; there are families with FAS. FAS greatly reduces an individual's ability to make decisions or to understand consequences for actions. They require a very high degree of supervision and support.

Over 40% of individuals in our jails and in prisons have FAS. Others end up just out on the street. It's ironic that we have no money for shelters for them but we always have \$80,000 to lock them up in a jail or prison. They don't deserve to be locked up; they deserve better than that.

Families need more than the special services at home funding which you provide. They need the ability to do long-term planning for their children. Minister, I would ask that you not answer my question in terms of dollars but in terms of services. What are you doing for families with fetal alcohol syndrome in Ontario?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague opposite for the question. I think he comes to this House with a very heartfelt concern about funding services for children, which we share on this side of the House. This is a particular form of illness that he asked me for specifics on. We have a number of programs. You've mentioned the special services at home. I would like to have the opportunity to go back and think about the very specific things and give you a much more detailed response on this particular topic.

**Mr Parsons:** I appreciate that answer. My wife and I have a son with fetal alcohol syndrome. He has made our life more interesting than we ever planned it to be, but we are very proud of him. Not a day goes by that we do not worry about what will happen to him when we're gone. The thought of him being abandoned on the streets is intolerable to us and to thousands of other parents. Studies done indicate that for FAS victims, residence in a specialized group home with special supports enables many, if not all, of them to contribute positively to society.

There is a group in Ontario that has come together provincially to look at long-term solutions for victims of FAS. They are based in Belleville. Minister, they would very much like to meet with you to explore the options. So the question is simple: will you personally meet with this FAS group to explore options that can be developed for victims of FAS?

**Hon Mrs Elliott:** I thank my colleague across the way. We come to this place very often as parents, and when he says as a good parent that this child makes his life interesting, that's probably a sign of a very good parent who is trying to do his best.

In my own community of Guelph-Wellington I know the organization FASAT, which has been working to help parents and children who struggle with fetal alcohol syndrome. Certainly in my discussions with ministers across the country as Community, Family and Children's Services minister, fetal alcohol syndrome is a serious problem, particularly in the western part of Canada.

I would be more than happy to meet with the colleagues that you would like me to speak with. I'll be pleased to do that at my earliest convenience.

#### BEREAVEMENT SERVICES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question is for the hard-working Minister of Consumer and Business Services.

Minister, anyone who has lost a loved one knows how difficult the grieving period can be. Add to this the difficulty of arranging a funeral, and a distressing situation

can be made even worse. I know that the vast majority of businesses in this industry are good operators, but there are a few bad operators that aren't completely up front with families and loved ones when they require their services.

Today, Minister, your bereavement legislation passed third reading and is just steps away from becoming the law. Minister, could you please let the people from my great riding of Bramalea-Gore-Malton-Springdale and of Ontario know how this new legislation will improve consumer protection in this industry?

**Hon Tim Hudak (Minister of Consumer and Business Services):** I appreciate the question from my colleague. He's absolutely right and I'm very pleased that Bills 209 and 180 passed third reading in the Legislature today, part of a package of probably the greatest advancement in consumer protection in the history of this province. As part of this powerful package on behalf of people at a very sensitive time with respect to bereavement services, I'll name five of the consumer protections: full ownership disclosure so you know who you're dealing with; an ability to attack tied selling, a reprehensible practice that limits consumer options; clear price lists that are constant so that you know what you are buying, whether it's a budget or a higher-priced item; an industry-funded compensation fund to protect consumers; and also a code of ethics that goes throughout the bereavement industry, to name but five.

**Mr Gill:** Thank you, Minister, and keep up the hard work.

It's great to hear that this new legislation will bring in so many comprehensive new protections for individuals going through this difficult time. Clear price lists, cracking down on tied selling and mandatory informational pamphlets will give people the tools to easily make informed decisions.

Having said that, I've heard some criticism during debate that this bill will pose problems for small businesses. Specifically, concerns have been raised that allowing combinations such as cemeteries having funeral homes will push the little guy out of business. But we are the government of small businesses and I know that we wouldn't press forward with any plan that could compromise small businesses in the province.

Minister, how would this legislation affect small businesses?

**Hon Mr Hudak:** The member is right. We, the Ernie Eves government, are proud to be the government of small businesses to help job growth in that sector. I can say with certainty that while that kind of accusation could be part of the political rhetoric, it is groundless. In fact, currently all other provinces but Ontario and PEI have this type of legislation, and 42 of 50 US states. The small family-run funeral service industry is still very alive and well in those provinces and in the states.

Similarly, it levels the playing field. If a small, family-owned funeral parlour is facing competition from a municipal or a faith-based cemetery and visitation centre



that is tax-free currently, this will level the playing field so that taxes are paid equally.

To quote a couple of small funeral operators, one Laurie Cole of Cole Funeral Services in Carp, Ontario, says, "As you know, the industry has been seeking changes to existing legislation for some time now and, speaking for my own company, supports your efforts entirely." Brent Irvine, of Irvine Funeral Home and Chapel in Brockville, Ontario, says, "This new legislation will pave the way for expanded opportunities for firms such as ours to more effectively serve Ontario consumers."

1530

### ASSISTED HOUSING

**Mr David Christopherson (Hamilton West):** My question is for the Minister of Community, Family and Children's Services.

Minister, yesterday my colleague from Hamilton East asked you a question about subsidized housing for the disabled and mentally ill in Hamilton. We got less than a satisfactory answer.

Lest there be a concern that you think that was a partisan matter, I'm asking the question today also and I want to read something to you by way of this question.

"Hamilton, now \$300,000 over budget in its subsidy program, has had to not only slam on the brakes, but throw it into reverse. Next month, the maximum number of subsidized beds will drop to 869 from 915.

"That's shameful—but the fault is not Hamilton's. Responsibility for a program such as this cannot be thrown onto cities. Smaller municipalities don't offer subsidized housing for mentally ill people. Hamilton, like other large centres, does—not because of a provincial mandate but because it has taken on the role of a centre for mental health services."

Minister, these beds are being cut because you've capped the subsidies. We need you to provide the subsidies so our community can provide these beds, these facilities for people who stand a risk of freezing to death in the dark. Minister, stand—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for the question.

Yesterday I answered a question from another colleague from the geographic area of Hamilton. It was unclear to me what he was searching for, and I was answering him with regard to the per diems that we have increased for domiciliary hostels over the last little while.

The question is about homes in the Hamilton area. Hamilton has asked the province for one-time increased funding of \$240,000 for the domiciliary hostel program. It's my understanding that the city of Hamilton has actually decided to go forward and offer more homes than we had originally planned. I can say to my col-

leagues across the way that we are looking into this, and certainly we'll be interested in talking to them.

But if my colleague the Minister of Health were answering this question, he would also tell you that we are very interested in finding out the information that will come from the task force on mental health. We believe there's very good—

**The Speaker:** The minister's time is up.

**Mr Christopherson:** Minister, the quote I was reading to you didn't come from a Liberal document or an NDP document; that was today's Spectator, a Hamilton editorial.

The fact of the matter is, we're having some trouble getting you to focus on the issue at hand. This is about providing beds for people who have nowhere else to go—nowhere. The city of Hamilton has been doing your job. We've been picking up the extra. That's the \$240,000 you refer to. Because of the other downloading you've done, the city can't continue to do that. But our Hamilton city council doesn't want to say no to people who are on the streets, and I'm assuming you don't either. Therefore we desperately need a commitment from you now that you'll provide the money necessary so that those beds will be there for people when the temperature drops below freezing and lives are at risk. Minister, on behalf of all Hamiltonians, I'm asking you: make the commitment today so that our council and this government can do the right thing for those people in Hamilton who are in need.

**Hon Mrs Elliott:** I thank my colleague across the way. In my ministry, the Ministry of Municipal Affairs and Housing and the Ministry of Health, we have a number of programs all designed to address the issues of housing of various kinds throughout the province. I have committed to you today that I will work further on this to find some solutions. I have indicated that we on this side of the House would like to receive the report from the task force on mental health so that we can make a broader decision on the next steps for future planning.

### VISITOR

**Mr Cameron Jackson (Burlington):** On a point of order, Mr Speaker: I'd like to welcome this afternoon, in the members' east gallery, the former member for Wentworth North and a graduate of Nelson High School in Burlington, along with myself, Eric Cunningham.

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Mr Speaker: I seek unanimous consent for second and third reading of the bill I introduced today to amend the Food Safety and Quality Act.

**The Acting Speaker (Mr Michael A. Brown):** Mr Peters has asked—I heard a no.

## PETITIONS

## HIGHWAY 407

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas motorists using Highway 407 are being gouged with charges that are far beyond what is reasonable and justified;

"Whereas billing errors are forcing motorists to spend hours on the telephone trying to have such errors corrected;

"Whereas some motorists in frustration and exasperation are paying charges they did not incur for the use of Highway 407;

"Whereas the government of Ontario acts as an enforcer for the Highway 407 Corp and is, in our view, complicit in the collection of questionable charges;

"Whereas the Eves-Harris government sold Highway 407 to a buyer who has increased charges well beyond what the government promised;

"We, the undersigned, call upon the Legislative Assembly to condemn the Conservative government of Ontario for selling Highway 407 to private interests and for permitting the Highway 407 Corp to raise charges for the use of the highway and other administrative charges that cannot be justified."

I affix my signature. I'm in complete agreement with this petition.

## CHILD CARE

**Ms Shelley Martel (Nickel Belt):** I have petitions that come to me from McMurrich Sprouts child care centre in Toronto and Jubilee Heritage Family Resources in Sudbury. They read as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding proxy pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I have affixed my signature to this.

## CAT SCANNER

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario and the Ministry of Health and Long-Term Care.

"We, the undersigned, request approval for installation of a CAT scanner at the Woodstock General Hospital. It is an essential piece of equipment for the practice of modern medicine. The arrangements to go to London for a CAT scan are unsatisfactory, cumbersome and cause unnecessary delay. It is standard equipment for a hospital of this size in North America. All counties in south-western Ontario have at least one CAT scanner except Oxford county."

The petition is signed by many of the residents in and around the city of Woodstock, and I add my signature to the petition as I support it.

## NATURAL GAS RATES

**Mr Michael Gravelle (Thunder Bay-Superior North):** "To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totaling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act"—which they can do—"disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

This comes to me from Mrs Christina Korotki in Thunder Bay. I'm grateful to her and I will be very happy to sign my name to the petition as well.

## EDUCATION FUNDING

**Mr David Christopherson (Hamilton West):** Recently my colleague Marie Bountrogianni from Hamilton Mountain and I attended a news conference sponsored by the Community Coalition for Public Education, a newly formed group co-chaired by Jessica Brennan and Jeff Moore. They gave us 1,200—

**The Acting Speaker (Mr Michael A. Brown):** What we need is for you just to read the petition and not editorialize. Thank you.

**Mr Christopherson:** "To the Legislative Assembly of Ontario:

"Whereas the parents of Hamilton understand that adequate funding for our children's education is the



responsibility of the government of the province of Ontario; and

"Whereas we don't believe that the current funding benchmarks are reflective of current costs; and

"Whereas we want the education funding gap addressed immediately;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We oppose the serious underfunding of our children's education and demand that the government of Ontario reinstate adequate funding to the Hamilton-Wentworth District School Board so that our children receive the quality education they deserve."

I have 1,200 postcards to back that up, and add my name.

1540

### CRUELTY TO ANIMALS

**Mrs Julia Munro (York North):** My petition is to the Legislature of Ontario:

"Whereas animal abusers are not currently subject to any provincial penalties;

"Whereas it is currently impossible for a judge to ban puppy and kitten mill operators from owning animals for the rest of their lives;

"Whereas Ontario SPCA investigators need to act on instances of cruelty to animals in a more timely fashion, thereby lessening the animals' suffering;

"Whereas it is currently not an offence to train an animal to fight another animal; and

"Whereas Ontario's animals are not adequately protected by the current law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass the amendments to the Ontario Society for the Prevention of Cruelty to Animals Act developed by a governmental working group (which included the Ontario SPCA) and submitted to the office of the Solicitor General of Ontario in June of 2001, so that the above conditions, among others, will be properly addressed."

This represents over 200,000 people in the province of Ontario who support this petition.

### ALUMINUM SMELTER

**Mr Mike Colle (Eglinton-Lawrence):** I have a petition to the Legislative Assembly of Ontario.

"Regarding the cleanup of the abandoned smelter site in Georgina:

"Whereas the abandoned aluminum smelter located on Warden Avenue in the town of Georgina has been deemed to have heavy metals exceeding Ministry of the Environment guidelines; and

"Whereas the site is adjacent to a wetland that leads to the Maskinonge River feeding into Lake Simcoe;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of the Environment" to do its job and "conduct a full environmental assess-

ment of this site, followed by a cleanup of" this toxic smelter site in Georgina.

I affix my name to this petition, which I support.

### AFFORDABLE HOUSING

**Mr Michael Prue (Beaches-East York):** I have a petition signed by 288 people that reads as follows:

"To the Legislature of Ontario:

"Whereas the city of Toronto, the Federation of Canadian Municipalities and other organizations across the nation have recognized that homelessness is a national disaster and called on the federal government to develop and implement a national housing strategy; and

"Whereas communities across Canada are in the midst of an affordable housing crisis and it is important for all levels of government, organizations and communities to work together to provide adequate and affordable housing that will make a real difference in the lives of many men, women and children who require shelter; and

"Whereas thousands of people in Ontario are without housing, the Ontario government needs to match the level of participation of the federal government with regards to the national housing program. Housing is a human right and a basic need;

"We, the undersigned, petition the Legislature of Ontario as follows:

"Commit in full to the agreed-upon action to conclude an affordable housing deal which was set out by the federal government. Ontario needs permanent, affordable housing. Emergency shelters are not permanent solutions."

I am in agreement and will affix my signature thereto.

### PENSION PLANS

**Mr John O'Toole (Durham):** I'm pleased to present a petition to the Legislative Assembly of Ontario.

"Whereas the citizens of Ontario are concerned over the implications of part XXV of Bill 198 as it affects pensioners and employees contributing to a pension plan; and

"Whereas we would like to bring this issue to the attention of John O'Toole, our member of provincial Parliament for Durham, and the Legislative Assembly of Ontario;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Minister of Finance comprehensively review all sections of Bill 198 dealing with amendments to the Pension Benefits Act to ensure all current and former pension plan members are in no way disadvantaged. And we request that our Durham MPP, Mr John O'Toole, and all members of the Legislature not support any legislation that would reduce pension plan benefits."

I am pleased to inform the House that part XXV has indeed been removed from that section of the bill, and I support and work with my constituents as always.

## POST-SECONDARY EDUCATION FUNDING

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I have a petition to the Legislative Assembly of Ontario.

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

This is signed by hundreds more students from Lakehead University. I'm pleased to affix my signature, in full agreement with their concerns, and to give it to Michael Schonberger from Sudbury to take to the table.

## MEDICAL REVIEW COMMITTEE

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas the OHIP schedule of benefits is often unclear about its definitions of good medical practice for many serious medical conditions: general checkups, rechecks, psychotherapy counselling and often major illness care by specialists;

"The medical review committee of the College of Physicians and Surgeons has been aggressively 'clawing back' payments to hard-working, conscientious doctors on the basis of these flawed definitions and skewed statistical analyses;

"We, the undersigned, request the Minister of Health to suspend further reviews by the medical review committee, return the monies with its penalties, pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

## CRUELTY TO ANIMALS

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario.

"Whereas animal abusers are not currently subject to any provincial penalties;

"Whereas it is currently impossible for a judge to ban puppy and kitten mill operators from owning animals for the rest of their lives; and

"Whereas Ontario SPCA investigators need to act on instances of cruelty to animals in a more timely fashion, thereby lessening the animals' suffering;

"Whereas it is currently not an offence to train an animal to fight another animal; and

"Whereas Ontario's animals are not adequately protected by the current law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass the amendments to the Ontario Society for the Prevention of Cruelty to Animals Act developed by a governmental working group (which included the Ontario SPCA) and submitted to the office of the Solicitor General of Ontario in June 2001, so that the above conditions, among others, will be properly addressed."

It is signed by a great number of citizens of Ontario who have great concern for the welfare of the animals in our province.

## HAZARDOUS WASTE

**Ms Caroline Di Cocco (Sarnia-Lambton):** "To the Legislative Assembly of Ontario:

"Whereas CleanHarbors, the former Safety-Kleen, is trucking in highly toxic sludge from Sydney, Nova Scotia, to Ontario;

"Whereas the CleanHarbors, formerly Safety-Kleen, hazardous landfill and incinerator is the only facility on the North American continent that has a permit to landfill untreated hazardous waste;

"Whereas Ontario has become the dumping ground and haven for toxic hazardous waste;

"Whereas it is not in the best interest of the people of Ontario to import hazardous waste;

"Whereas this CleanHarbors site near Bridgen will have long-term consequences to the environment, to human health and eventually contaminate the ground-water;

"We, the undersigned, petition the government of Ontario to stop the landfilling and disposing of untreated hazardous waste in Ontario and stop the shipment to Ontario from the Domtar tank in Sydney, Nova Scotia."

There are thousands of signatures, and I affix my signature to this petition. I'm going to ask Brian from Sarnia-Lambton to bring down the petitions.

## EDUCATION TAX CREDIT

**Mr John O'Toole (Durham):** I'm pleased to present a second petition today on behalf of my constituents in Durham.

"To the Legislative Assembly of Ontario:

"Whereas the province of Ontario has delayed the second phase of the equity in education tax credit for parents who choose to send their children to independent schools; and



"Whereas prior to the introduction of this tax credit, Ontario parents whose children attended independent schools faced a financial burden of paying taxes at home to an education system they did not use, plus tuition for the school of their choice; and

"Whereas the equity in education tax credit supports parental choice in education and makes independent schools more accessible to all Ontario families;

"Therefore we, the undersigned, respectfully request that the government of Ontario reintroduce the second phase of the tax credit forthwith and continue—without delay—the previously announced timetable for the introduction of the tax credit over five years."

In response to my constituents, I'm pleased to endorse this petition on their behalf.

#### NOTICES OF DISSATISFACTION

**The Acting Speaker (Mr Michael A. Brown):** I would like to inform the House that pursuant to standing order 37(a), the member for Elgin-Middlesex-London has given notice of his dissatisfaction with the answer to his question given by the Associate Minister of Municipal Affairs and Housing concerning the Edible Oils Act.

Also pursuant to standing order 37(a), the member for Kingston and the Islands has given notice of his dissatisfaction with the answer to his question given by the Minister of Public Safety and Security concerning the Provincial Auditor's report.

1550

#### ORDERS OF THE DAY

##### TIME ALLOCATION

**Hon Doug Galt (Minister without Portfolio):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 216, An Act respecting access to information, the review of expenses and the accountability of cabinet ministers, opposition leaders and certain other persons, when Bill 216 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment; at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That no deferral of the second and third reading votes pursuant to standing order 28(h) shall be permitted; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Acting Speaker (Mr Michael A. Brown):** Mr Galt has moved government notice of motion number 84. Debate?

**Mr Rick Bartolucci (Sudbury):** I stand in my place again to debate another time allocation motion by this government, a motion that limits, stifles, ends debate and ends the involvement of the people of the province of Ontario in having a say in legislation. Therefore, I, my leader Dalton McGuinty and the rest of my Liberal colleagues will not be supporting this time allocation motion.

Let me talk a little bit and let me bring the people of Ontario up to date on what this government has done during the fall session and how they've limited the people of Ontario's input into good legislation or into bad legislation. Bill 60, the Victim Empowerment Act: time-allocated, no third reading debate. Bill 131, Interjurisdictional Support Orders Act: time-allocated, no third reading debate. Bill 148, Emergency Readiness Act: time-allocated, no third reading debate. Bill 149, Red Light Cameras Pilot Projects Extension Act: time-allocated, no third reading debate. Bill 179, Government Efficiency Act: time-allocated, no third reading debate. Bill 181, Legal Aid Services Amendment Act: time-allocated, no third reading debate. Bill 187, Agricultural Employees Protection Act: time-allocated, no third reading debate. Bill 191, Highway Traffic Amendment Act: time-allocated, no third reading debate. Bill 151, Toronto Waterfront Revitalization Corporation Act: time-allocated, no third reading debate allowed. Bill 175, Sustainable Water and Sewer Systems Act: time-allocated, no third reading debate. Bill 180, Consumer Protection Statute Law Amendment Act: time-allocated, no third reading debate. Bill 195, Safe Drinking Water Act: time-allocated, no third reading debate. Bill 198, Keeping the Promise for a Strong Economy Act: time-allocated, no third reading debate. Bill 209, Funeral, Burial and Cremation Services Act: time-allocated, no committee hearings allowed or third reading debate. Bill 210, Electricity Pricing, Conservation and Supply Act: time-allocated, no committee hearings, no third reading debate.

Today we debate another time allocation motion. I don't think this government should be proud of how they've managed the legislation they've introduced. I think it is fundamentally wrong and fundamentally undemocratic to have so limited a debate on significant pieces of legislation. I think it is an insult to the people of Ontario and even to the people who voted for the Harris-Eves government that they do not take bills out to committees so that the people of Ontario can have a say in their legislation.

It is no wonder that the people of Ontario are severely questioning the competency and the sincerity of the Harris-Eves government as it demonstrates time and time again that they feel it is not important for the people of Ontario to have a say in their legislation. It is important for the government across the way to understand that it is not your legislation; it is the legislation of the people of

Ontario as represented by the 103 members here, but more broadly by the people who live all across Ontario.

So I say to the government as this session winds down, you have made a fundamental mistake in thinking that the people of Ontario are not interested in their legislation. They want to feel that they are a part of legislation and the laws of the province of Ontario. You have denied them that opportunity. You have denied them that right. I am confident that when the election is held in April, they will deny you a return mandate.

**Mrs Julia Munro (York North):** Normally I would stand in this House and suggest how pleased I am to be able to rise to debate this motion, because ordinarily it would be a pleasure for me to do so. However, I have to say I am somewhat disappointed that this motion should even be necessary.

We are looking at Bill 216, the Accountability for Expenses Act (Cabinet Ministers and Opposition Leaders), 2002. It is what I believe to be an extremely important and well-thought-out bill. At long last, I might say, it would bring some clarity and transparency to the issue. This is something that has been lacking for quite some time, and I think it's time that we took the action necessary to address this issue.

We've all heard the debate and we've all heard the reasons and rationale for bringing this forward. This is not to say that they are not important or that there aren't solid reasons for it—far from that. Rather, I would suggest that there are very sound and solid reasons. We know that for too long the rules have been ambiguous and loosely applied. We also know that this has resulted in wide-ranging interpretations. We know also that this has led to some very valid questions about who can buy what, when, where and how much of it.

We also know that it is not a new phenomenon in these hallowed halls. I think the fact that the speaker from Sudbury opposite took the time to discuss the issue of the time allocation motion speaks to the very heart of this discussion today. We have had sessional days devoted to debate on this bill. During that time, opposition speakers have indicated their support. It seems unfortunate, then, in this kind of situation that we are in the position of having to introduce a time allocation motion.

The history is very clear. The history has been that ministers, parliamentary assistants and their staffs have been under guidelines, but these have frequently been vague. They have certainly created problems with regard to questionable definitions. There is ambiguity. Frankly, one of the most important issues from a legislative point of view, the issue of scrutiny, has meant that there is a certain amount of mist, if you like, surrounding the whole issue of scrutiny. So it's very important that we take the time today to make sure that we have this opportunity to make sure that this bill continues on that important process.

1600

We know, for instance, that the members opposite like to say, when we dredge up the record of the Liberals when they were in government, that it was ancient

history. "That was last century," I think I heard someone say in here yesterday evening. Perhaps that's true. But at that time, there were a number of honourable members on the opposition benches now who were members of the government at the time. The member from St Catharines was the Minister of the Environment. The member from Scarborough-Rouge River was the Minister of Housing. The member from York Centre was the Minister of Industry, Trade and Technology, I think it was called at that time. I believe the member from Vaughan-King-Aurora was the Minister of Labour.

Now, I don't plan to go through the entire list here and name off all those on the opposition benches who were also members of the cabinet of the government of the day, although I would be remiss not to also mention the current leader of the third party, the member from Niagara Centre and the member from Hamilton West, who were all part of the NDP cabinet of the 1990s.

It's very clear that it was pretty difficult for people to know the rules, and it was very difficult for anyone to have a clear sense of the kind of accountability that we are suggesting here today. In 1989, the Provincial Auditor told us that the rules regarding ministers' expenses needed to be clarified. In fact, I'll quote for a moment: "Further clarification is required as to what types of expenses are permitted for ministers.... ministers are not required to submit receipts with their request for reimbursement." That's from the 1989 Annual Report of the Provincial Auditor.

So I think it's very important to understand the issue we are looking at today in the context of that history. As I suggested a moment ago, all of this was done with very fuzzy rules and certainly no clarity. One of the functions of the Legislature is to be able to have that level of scrutiny. This particular piece of legislation removes from partisan debate the question of the allowable expenses and provides them with the mechanism for the Integrity Commissioner to be that impartial judge and take away from the lack of clarity that has surrounded this issue.

So to the question, "Why do we have to time-allocate the bill?" the real reason is simply because the opposition has left us with little choice. At every turn, they try to stall, delay and prevent the government from bringing policies into the House that are designed to meet the needs of the people of Ontario. It's all about preventing the government from implementing its plans.

Now, Speaker, I know you're thinking, "That's what the opposition is supposed to do; it is supposed to oppose and make it difficult for the government." To some degree, that is true. Our system, after all, is adversarial and we're not supposed to get along too well in this House with the members opposite—generally speaking, of course. But in my mind, the opposition is supposed to be more than that. They should be bringing forward more than just refusals and rejections. They should be bringing forward ideas that make sense to Ontarians, and they should be bringing forward real, alternative solutions.



So I think that in looking at this bill, it is very clear to me that the members opposite will say that they wanted more time to debate and think about it. Well, it's something that has been in conversation for 15 years, and so I think you would agree with me that they need to have come up with something better than, "This leans a little heavy on us."

We're looking at the opposition, who are trying to hold up this bill, using a time allocation motion to delay. I think we need to be looking at the opportunity to move this bill forward. It does provide for clarity and an end to the confusion that has existed.

As you will know, Mr Speaker, we have all heard before from members on this side of the House that it is time to move on with this, and I couldn't agree more. It's time to get on with the real issues that face the people of this province day in and day out.

I know that people are concerned with how their money is being spent, and they quite rightly should be. After all, it is their money. But I also know that people want their government to do something constructive. They sent us here—all of us—to take care of those very important things in our ridings. They want us to take care of their health care, education, environment and economic growth. Every hour we spend on this is an hour not spent debating other business—either in this House or elsewhere.

I would argue that the opposition members have had their fair opportunity to debate this bill. It's time for the House to move on to other matters. I encourage all members to support this motion.

**Mrs Marie Bountrogianni (Hamilton Mountain):** I'm pleased to speak about Bill 216. I want to challenge some of the things my colleague from York North said. First of all, on the delay, we, the Liberals, were the ones who brought this to the public: the expenses, the boozing, the steakhouses. We are the ones who brought this to the public. We are the stimulus that has brought this bill. Two years ago, my colleague Rick Bartolucci brought a much stricter bill—mind you, it was focused on ministers and their travel—that went much further than Bill 216. We aren't the ones who are delaying the process; all we're talking about when we protest against time allocation bills in general is the lack of democratic process. But with respect to the actual issue at hand, we are the stimulus for bringing Bill 216 to the Legislature.

With respect to not finding solutions for accountability, again I'd like to challenge my colleague from York North. She was at the public accounts committee when I brought the severance bill, which in the end, after a great deal of heartache, was passed unanimously by the public accounts committee and is on the order paper. I realize it won't pass—it's a private member's bill—but with respect to accountability, the severance bill would have blown the whistle on the Eleanor Clitheroes of the world, would have saved us a lot of money in legal fees now. We on this side of the House are for accountability.

I would have liked very much, for example, if the government would have taken that bill and made it their

own and not made it a private member's bill at all. I would have been very happy as long as accountability was brought.

With respect to fuzzy guidelines—my colleague from York North mentioned that there were fuzzy guidelines and it's about time a government is doing something about the guidelines for expenses—in my mind it's not very fuzzy when you spend \$70,000, as one former cabinet minister did, on booze and steaks, hotel stays and so on. That's not a very fuzzy expense. That's pretty extreme; that's pretty intense. The problem with Bill 216 is that that particular former minister won't be held accountable, because this bill does not cover former ministers. Ironically, it covers former leaders of the opposition and leaders of the third party, but it does not cover former ministers, where we have found, after a year of freedom of information searching, that is where the most spending occurred—in ministers' offices and parliamentary assistants' offices.

And with the parliamentary assistants, I'm happy to see that their expenses will also be made public. However, it's only for those since May 2002. Again we look at the list. I'm a relatively new member. I don't know what's appropriate or not appropriate, but I have a feeling that \$87,000 for a parliamentary assistant is pretty intense and pretty outrageous. And no one who held a parliamentary assistantship before May 2002 will be held to scrutiny.

**1610**

Again, I agree with the bill in principle. I think it's a good start. However, it is very late.

I challenge the government when they say we are not for accountability. We are definitely for accountability, but we are also for accountability in the democratic process. That is what my colleague from Sudbury was talking about earlier. If this had been done right, it would have been in at least two years ago, when my honourable colleague Rick Bartolucci brought in Bill 2—at least two years ago. Then that bill could have been expanded or even stolen. I'm sure if it had been stolen by the government and expanded upon, my honourable colleague would have been happy. It wouldn't have been the first time. We're always happy, actually, when the government steals our ideas because it is for the good of the public.

I want to reiterate, number one, that we had nothing to do with any delay in this. We're the ones who brought this to the public. We are the stimulus for Bill 216.

Number two, my colleague from Sudbury brought in Bill 2 two years ago, a much stronger piece of legislation which was ignored by the government and which would have really paid a lot of scrutiny to ministers' expenses while they travel.

Number three, we've had a lot of solutions with respect to accountability. My severance bill was one, and there are many others. My colleague from Sarnia had a bill of accountability that would have made all public meetings public. John Gerretsen had a bill as well on public disclosure, and there are many more bills of

accountability on this side of the House that were brought forward that were ignored by the government.

With respect to fuzzy guidelines, I think a 10-year-old will be able to say that \$70,000 on steaks and booze and hotels is extreme and unaccountable. There's nothing fuzzy about what happened in certain ministers' portfolios when they were spending taxpayers' money.

Of course we are going to support Bill 216. We laugh at the insinuation that we are against accountability, because we have been trying for years now to bring accountability to the Legislature and to the province of Ontario in many different areas. We are the ones who brought this very uncomfortable situation of over-spending to the Legislature. It's not comfortable for any of us to stand up and challenge colleagues on their spending. In fact, in some ways, I resent even being put in that position, because we all then get painted with the same brush in the public mind.

With that, I would like to say that we will support bill 216. We need accountability. It's a good start, but when we are the government, we will go much further in winning back the trust of the people of Ontario.

**Mr Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the debate today on Bill 216, the Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002. As my colleagues have pointed out, this is the government's latest accountability measure to bring greater openness and transparency to the way in which MPPs and their staff spend taxpayer dollars.

It is clear to me from watching these proceedings and reading Hansard that there has been a very thorough debate on this issue. I know the debate has, for the most part, been repetitious and predictable. I think that's simply because the bill itself is quite simple and really very difficult for anyone in this House to argue against.

In order to illustrate my point, let me review a little about how the debate has gone so far. The parliamentary assistant to Management Board Secretariat began by telling us how, for decades, governments of all stripes operated under different sets of rules, which were hidden from public view, open to interpretation and inconsistently applied. The member for York North continued by saying that now is the time to take action, to end the uncertainty and speculation and to give taxpayers real assurance that the people who spend their hard-earned money are truly accountable for it.

As debate continued, it became clear that, if carried by this Legislature, this bill would be the first in Canada to bring legislative oversight to the way in which members of parliament handle their expenses, in particular by giving the Integrity Commissioner the power to help establish rules, regularly review them and table an annual report. The bill would give unprecedented transparency and accountability to the entire process. By giving this role to an independent third party, it will provide much-needed impartiality to this process to ensure that it is fair and reasonable.

One of the common themes I saw in the second reading debate was the argument that the appointment of the Integrity Commissioner removes the partisan and adversarial nature of interpreting this issue in the Legislature. As the member from York North put it so well, "This bill would help do that by preventing endless partisan accusations by providing for a mechanism to resolve disputes that might arise, and, for the first time, giving the people of Ontario a glimpse at how the leaders of the opposition spend the taxpayer dollars for which they are responsible." I agree with this and, more importantly, I think the members opposite agree with it too.

This makes it even more clear to me that the debate on this bill has run its course and that it is now time to put this bill to the House for a vote. It is not very often that all members of this House agree on something, but I think, in some part, this is the case with sections of this bill. Specifically, as an impartial officer of the Legislature, it would seem we all agree that the Integrity Commissioner is in an excellent position to impartially judge whether or not an expense was reimbursed according to the rules. This is no small feat, and I think it is further evidence that the parties are not as far apart as one might assume. This is yet more support for calling the question on the bill.

Having said that, we all know the devil is really in the details. In the case of the Integrity Commissioner's involvement, this important detail is the role of the commissioner in the process. At a very simple level, the commissioner's involvement would liken the way in which the Provincial Auditor encourages the responsible use of public funds. By providing a reporting system, the bill would add a level of scrutiny never before seen in Ontario and not seen anywhere else in Canada. The commissioner would be able to provide advice that would be consistent for all parties, regardless of the stripe. It would apply equally to all those included under the bill and would provide much-needed consistency that is lacking under the current system.

I have to say that this debate has not been without its small surprises. Last week I heard the member from Timmins-James Bay and the member from Kingston and the Islands support the notion that there might be situations where it would be appropriate for alcohol to be expensed. In fairness, they were both talking about times when members might be hosting a delegation. I think the member from Timmins-James Bay mentioned that it would seem somewhat odd to a visiting delegation from Holland, I believe it was, to be welcomed but told they couldn't have a drink. I can certainly relate to that because I've got a lot of Dutch relatives. In fact, I was just on the phone a few minutes ago to my wife's father, or Opa, as I call him.

I was very pleased to see that some of the members opposite are in fact prepared to be reasonable on this issue. I think this only points toward more support for us to wind up debate on this bill.

The only area where I have heard any substantive disagreement is in regard to the retroactive application of



the bill. I have heard the opposition parties say that it "leans on them a little too much" and that "it holds the opposition to a higher standard than the government." We have made it abundantly clear that nothing could be further from the truth. As the members on this side of the House have made clear, we don't mind the scrutiny. Government brings with it the responsibility and obligation to be held accountable for one's actions.

However, we also know that a taxpayer is a taxpayer and a tax dollar is a tax dollar, and it is unfair to the people of this province not to be able to request or review the expenses of the Leader of the Opposition and his staff.

Let me repeat some of the comments of my colleague for a moment. There is nothing in this bill that would hold the former leaders of the parties opposite to a higher standard than our former leader and Premier, and the Liberals know it. They know full well that Premier Harris's records have always been subject to freedom of information legislation and that they have in fact been requested no less than 12 times. They seem to not have had a problem obtaining the records of other cabinet ministers, so I find it somewhat confusing why they think the records of the head of the government would not be subject to an FOI request. This has always been the case, and there is nothing in the current legislation before the House that would change that.

Under the proposed legislation, the numbers for the application to government would not change, and I am hard-pressed to see how the official opposition comes up with the argument that this is an unfair bill. The government would be held to account as we always have been. On the other hand, we would be taking the giant step of increasing those covered under the opposition caucuses to one each. I recognize that to increase those covered under the freedom of information legislation—I should say, to make them covered by it at all—is a giant step in accountability for the members opposite, but I hope they will agree this is a reasonable step.

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It has also been said that even when the leaders of the opposition parties are covered by the proposed legislation, they would not be covered nearly to the same extent. These amendments would only allow a person to request or review the records dealing with expense claims. It would only extend freedom of information legislation to deal with those dealing with travel, meals, accommodation and hospitality, and that's it. Caucus research offices would not be covered and neither would the expense records of the deputy leader of the opposition, nor would their education critic, health critic or any other member of their shadow cabinet be covered.

I believe that despite the fact debate on this bill has been somewhat short, it has been thorough. If you were to look at the Hansard from the three days this has been debated, I think you would find something very interesting, and that is that the comments all seem to be very similar. Since the first speakers debated on the first day, delivering speeches that were only 20 minutes each, there

has been remarkably little new said. In fact, I've watched some of the members in the gallery and those staff behind the chair looking around, thinking they had heard the arguments before.

Perhaps even more telling is the fact the members opposite have been so scattered in their approach to this bill. I know that some members on this side of the house firmly believe the only reason we are debating this bill is because the Liberals simply can't make up their minds on how to vote on this thing or where to land. I'm not totally sure about that, but I think we have seen an approach to this bill from an opposition without a clear idea of where they stand on this bill. I believe that if the opposition had truly presented a coherent policy on expenses, this might have been a more engaging and fulsome debate. Instead, we spent most of yesterday listening to a lecture from the members opposite about consultant contracts and the auditor's report. While I know these are all important issues in themselves, they do not belong in this debate about expenses.

However, since there is little the government can do to make the opposition debate a matter, it would seem that this motion is the best way to ensure this House does not become paralyzed by an opposition that only wants to delay the bill. I think this is perhaps the strongest argument to carry this motion and proceed with the bill. It makes little to no sense to simply debate a bill to just kill the clock and eat up time. There is simply too much important legislation to be delayed so long for a bill that deals with a matter so far removed from real people. The whole idea of this forum is to voice the legitimate concerns of the people's representatives, but there seems to be nothing logical that suggests to me that debate should carry on simply for the sake of talking.

**Mr Bruce Crozier (Essex):** Let it be understood completely: the member for Parry Sound-Muskoka just said "so that the opposition can't delay the bill." I'll tell you what: this government has a majority, this government has a House leader and this government has an agenda, and the way they have taken away democracy in this Legislature means there's little or nothing we can do to delay legislation.

That's absolutely wrong. They're the ones in control. If it ain't working right, it's because you're not carrying out the House business in an appropriate manner. I said last night in the few minutes I had on another issue that I kind of liken this government, when it comes to managing—they can't manage a two-car parade. So if they're complaining about delays in legislation and something not getting done, you'd better go right to your own House leader.

It's strange that we have to time-allocate bills on which we agree. The speaker previous to me said he doesn't know where the Liberals are. Let me tell you, we're supporting this bill, as weak a bill as it is. I'm one of many in this Legislature who feels there should be full accountability for each member and all their expenses. We have a bill in front of us here that is retroactive. There are past leaders of opposition parties whose ex-

penses are going to be sent to the Integrity Commissioner. That's OK, as long as everybody's are sent to the Integrity Commissioner. And we know, for example, that Mike Harris's are not. It's unfair to the point that not everybody is treated equally, and that's what I have as an objection to this bill—nothing else. Let's get it all on the table. Let's all of us put our expenses out. Let the Integrity Commissioner look at every expense that any one of us has. But let's treat it fairly, for goodness' sake. That's what I object to in this bill.

The other thing is—and we're speaking to a time allocation motion—this government has used time allocation more than any other government in history and, as is the case with this one, all too frequently now. Once the bill is time-allocated there's no further debate, there's no third reading debate, there's no committee meeting. You talk about democracy. The only way they seem to be able to manage this place is to simply take everybody's rights away.

That's changed a lot in the short nine years I've been here. This place has changed from one where you could come and represent your constituents and speak freely and know that you were going to have the opportunity to speak on important issues, to one where you, number one, have to fight to get on the list of speakers because we know that this government's going to choke off debate, that we're not going to get the opportunity to speak on behalf of our constituents.

*Interjection.*

**Mr Crozier:** The member across says, "What about your whip?" What I'm talking about is time. The whip does everything they can when, because of time allocation, we get the opportunity to speak so little. That's the problem that has become just the rule of the day in this House. We want, when we form the government, to change those rules so that members will have an opportunity to represent and speak on behalf of their constituents. But you know how I'm inclined to feel? I'm inclined to feel that if we're a government, you stick it right to 'em the way you guys have stuck it to us.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** Oh, no. Don't say that.

**Mr Crozier:** Well, I'm more benevolent than that, but you get that feeling every once in awhile. So here we are today talking about time allocation. The debate's going to be done on all of this and the fact of the matter is that we're passing a bill that's unfair, that treats some past members differently than others. That's blatantly unfair, but as some have said: one small step might be a step in the right direction, so I will be supporting this bill, but I'll be doing it rather reluctantly because it's not treating everybody fairly. Mike Harris's expenses should be right on the table along with everybody else's.

**Mr Gilles Bisson (Timmins-James Bay):** I'm going to be sharing my time this afternoon in this debate with my good friend Mr Christopherson from Hamilton West. I want to, on this particular debate, raise a couple of issues. First of all I want to deal with the time allocation

motion; then I want to deal substantially with what's inside the bill.

First of all, on the time allocation motion, I think people should take heed of the comments that were just made by my good friend the member from Essex, who raises the issue of what's been happening in this House over a period of years. I've been here now for my third Parliament, and the member before me has been here at least two Parliaments. This place, quite frankly, has digressed. We've gotten to, under Mike Harris's Ontario, now carried over by Ernie Eves, to a system of Parliament that basically says that the government will introduce a bill on Monday. We'll have debate on Monday, Tuesday and Wednesday for second reading debate. On Thursday they bring in a time allocation motion, and Monday morning the thing is voted on. In fact, with evening sittings now, you would be able to pass this and have it all done in one calendar week. I think that is a really big disservice to the public of Ontario.

What really bothers me even more is the extent that different groups of Conservatives in the Tory caucus don't get it. Those members who were first elected here in government and have never sat in opposition say it's only right. I look at my good friend Mr Raminder Gill and others; they think this is perfectly OK. It's wonderful. Government should have all the power it needs to exercise its right to rule in the province of Ontario. They don't understand that the basic rule of Parliament and how it works is the right for the opposition to be able, when we legitimately feel it's the right time, to raise issues, to, yes, prolong debate at times. At the end of the day, we in opposition understand that the government will get its way, but there has to be proper debate and there has to be an opportunity for the public to be heard.

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Members like Raminder Gill and others who are first-trippers into the Legislature, who have never sat in opposition, just don't get it. They don't understand that this is supposed to be a democratic system; that, number one, once we introduce a bill in this House there should be, where necessary, ample time to debate the issues; number two, there should be ample committee time so that the public are able to come before the standing committees of this Legislature and say why they support a bill or why they don't and why they think it needs to be amended, withdrawn or passed. At the end of the committee process, there should again be ample debate at third reading in order to reflect on what the public has told us.

In Mike Harris's Ontario, since 1995, this government has basically stripped the rules of democracy and has said, "We're the government. We decide what happens in Ontario." Nobody has a word to say about it except for a measly couple of days of debate at second reading.

If you take a look at this government's record when it comes to just two things—one, the number of times it has used time allocation to pass a bill is shameful. This Parliament no longer passes bills by way of regular debates



in this House. We almost invariably deal with a time allocation motion. I think that's wrong.

Number two is the amount of time that we don't use our committees. I think committees are the best place for us to do our work as parliamentarians. Properly done, committees can work really well, not only for the legislators but also for the public. Committee is an opportunity, if we do it properly, for members to delve, to get into issues that are of interest to them or their constituents and then to allow the public to participate by way of presenting to our committees so that they're able to tell us how they feel about issues, pro or con, and what they think we should be doing with particular pieces of legislation.

As I said, the second thing this government has done wrong, in my view, is limit the amount of time we spend in committee. Now we see, almost as a rule, legislation go through this House with little or no committee time whatsoever. For this government, it's considered to be a long period of time for a bill to go to committee for three or four days. I go to House leaders' meetings as the chief whip for our party, and the House leader says, "Well, I'm giving you guys three days at committee." Somehow we're supposed to be excited about that.

I came to this Legislature in 1990. A bill would go to committee and it would spend an entire session there. You had an opportunity to have the public present as long as it was necessary. I remember sitting on subcommittee meetings where we would say, "OK, we're giving a bill about five or 10 days." We'd go off on committee and all of a sudden there would be a huge amount of interest. The subcommittee would meet with the committee and say, "Ah, we need to extend the amount of time we're at committee." As a regular course of business, we would extend the time of the committee to deal with the issue. So the legislative process under the Rae government, under the Peterson government and under the Davis government before that was that you went into second reading and you had a full debate.

When I came to this place, a member could stand up and speak for as long as he or she wanted at one particular reading of the debate, either second or third. Normally debates where there were issues of substance went on for as much as five, six, 10 days. Then, when that was over, it went off to committee. Basically, in the fall we would have second reading. We would finish second reading in the fall. We would introduce the bill to committee later on in the fall and into the intersession of winter, and then by the next spring we came back for third reading and the bill was passed. So the way the legislative process worked was that you introduced it in the fall session, you did committee work in the intersession of winter and you passed the bill in the spring. If you introduced a bill for second reading in the spring, you would do second reading in the spring, you'd do committee in the summer and you'd come back in the fall and pass the bill. This government introduces a bill on Monday and by Thursday it's done. I think that's wrong.

Now, how do we fix this mess? I believe there are only a couple of ways we can fix it. One way is that as New Democrats, if we're elected as a majority government, we're committing that there are a number of changes we would institute in the right of democracy. There's everything from electoral reform, how we elect people, to how this place operates. We believe that members of this assembly have to have an ability to vote according to their conscience and deal with what is important to their constituents. So we believe that there has to be a little bit more flexibility for members to exercise their rights as individual members of this assembly, no matter what their political affiliation is or what party they belong to.

Number two, we believe there needs to be a system of rule changes in this House that balances the need of the government to pass legislation with the right of the opposition to scrutinize the work of the government. At the end of the day, I understand as an opposition member that the government must always have the ability to carry a bill. I don't argue as an opposition member that I should have the ability of rules to say to the government, "You're not passing your bill." At the end of the day, the government has to have the right to pass the bill. That's how Parliament works. But you have to give the opposition the right to scrutinize and question the government on what it's doing or to strengthen a bill where we agree that a bill is needed and going in the right direction.

The other change that we believe would have to happen is democratic reform, which is how we elect people. We think this Legislature doesn't work when we have majorities in here. We have just heard the member for Essex, Mr Crozier, say, "If we Liberals are elected as a majority in this House, we're going to stick it to the Tories and we're not going to change the rules." I believe that's true. To an extent I don't think that's too far from where things are going to end up, because when a majority government gets there, they're emboldened by being elected as a majority and they say, "Man, we sat under the tyranny of the Conservative government for seven years. Boy, are we going to stick it to them now that we've got the chance." At the end of the day we're just back where we started. You end up, if it was the Liberals or us who come in, with the opposition being unhappy. That's why we as New Democrats believe you have to change the way you elect people in here.

Our Legislature should work like most other democratic Legislatures in the free world, that being on a system of proportional representation. We elect people, and at the end of the day the number of members who sit in this Legislature is equal to the proportion of popular vote that their parties have got in a general election.

There are number of ways you could do that. You've heard me speak on this before. I tend to prefer the mixed proportional system they have in Germany, where you have a system that says you have 103 ridings, as we do now. You elect people first past the post, just as we do. You elect your local member because it's important to have a constituency person there to represent the con-

stituency. But at the end of election night, when we look at the numbers, if we were to look at the 1999 election, the idea would be, Conservatives got 43% of the vote but they've now ended up with 65% of the members by way of first past the post. You would have a system that says that the number of MPPs the Tories have gotten with first past the post would equal 43% of the seats of the House. The two opposition parties would then be adjusted according to the proportion of vote that they got in the general election to make sure that the proportional vote is equal to what they got. So the idea would be that if the Tories got 43%, the Liberals would have got 30-some-odd per cent and we would have got about 12% or 13%, whatever it was, in the last election. In that way, the government wouldn't have a complete majority to do what it wants.

Let me just explain how preposterous your system is. If you look at really big issues like hydro privatization and deregulation, under proportional representation this government, in order to pass such legislation, would have had to convince either the Liberals or the New Democrats to vote with them, or a combination of members for a majority to support privatization. I can tell you that we as New Democrats would have voted against it, just as we have now. But it would have allowed the Liberals to do what they thought was right, and I don't begrudge that. If the Liberals believe, as the Tories do, that we should privatize hydro and deregulate, then let them stand with the government, vote with them and have the Tories rely on them for their vote.

That would do a couple of things. It would make sure that we represent our constituencies and that we're more accountable as members. Quite frankly, it would help the public better discern whom it is they want as their elected representative and whom they want as a government, because parties would be made more responsible in the Legislature in how they vote.

I say to the government members across the way, you're really missing the point here with time allocation motions. At the end of the day, you might be thinking that you're helping yourselves as far as your short-term agenda of being able to deal with the issue of passing your legislation through the House, but in the longer term you're really hurting yourself when it comes to what democracy should look like in Ontario.

Now to the second matter at hand. We are here today voting on a time allocation motion on this bill. I want to deal with the bill itself. I said at second reading, and it's a bit of a risky thing for an MPP to do but I'll say again, that this is nothing more than a tit-for-tat bill.

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Let's explain how we got here. The government was embarrassed by the expenses of certain cabinet ministers. We had some cabinet ministers who had to resign under a cloud of shame because of what they spent when they were acting as ministers of the crown. You had other cabinet ministers and parliamentary assistants who had to repay money because they had improperly charged for things they should not have charged for in the line of

duty. The government got caught—I understand that—and the government was embarrassed.

The opposition, mainly the Liberals in this case, came to the Legislature and pointed the finger at the government and said, "Ah, look at you guys. You're spending a bunch of money and you're incompetent. You guys are not doing things right. We're better and we're smarter." That's basically what the intent of the debate was.

The government said, "Oh, man, we're not going to take this lying down. We're going to introduce a bill to put the leaders of the opposition under the same scrutiny." So all this is an attempt by the Conservative government to deflect attention from their cabinet ministers and, quite frankly, engage in a tit-for-tat debate. That's all this is.

That's a little bit too bad, because in the end we're all painting ourselves with the same brush. When one member of this assembly gets up and starts to point the finger across the aisle to either the opposition or the government and says, "We're better than you. We would never do" whatever. "We're more appropriate with our expenses than you," and starts accusing the government or the opposition of somehow being crooked with their expenses, I think it paints us all with the same brush.

To me, the debate we should be having is not a tit-for-tat debate. We should be talking about how we develop a better system of accountability so that members' expenses, cabinet ministers' expenses and those of leaders of the opposition are more able to stand up to public scrutiny.

Now, I don't believe that any member—hardly a member of this assembly will knowingly go out and defraud the government, the taxpayers, for expenses. I want to believe that most members in this House, 99% of them, are honest individuals, from both the government side and the opposition side. To me, the issue is not an issue of tit-for-tat; what we should be engaging in is how we establish rules that treat all members fairly and treat, more importantly, the public fairly when it comes to the accountability for those funds.

For example, it was suggested through this debate that some ministers have spent too much money, let's say on alcohol, when it came to entertaining some of the guests they were responsible for entertaining. I would submit that if I were in the private sector, that would be seen as a normal thing to do in business. If you're taking out a client and trying to sell them a contract of some type, you bring them out for lunch and the person has a beer or two or a glass of wine, whatever. It's not seen as a bad thing, because it's private sector. If we're worried about what it looks like, what we should be having a debate in this Legislature about is how we set up rules to make that transparent. I would argue that one way to do it is to give members a—I forget what it's called again. Not an allocation. Help me out here. A per diem. Give members a per diem and give members who are having to travel because of business a per diem.

For example, when I worked at the Ontario Federation of Labour and I had to travel for my employer, or I



worked for the United Steelworkers of America or I worked for Northern Cable or I worked for Pamour Mines, it was always the same: when I travelled, I got a per diem. The employer would pay my airplane ticket to where I was going. They would pay and reimburse my hotel room once I had bought it. Then they would give me a per diem, and back then it was about 35 bucks a day, to be able to have my breakfast, dinner and supper while on the road. The employer understood: "I'm sending my employee on the road, so therefore I've got to be able to defer their expense of having been on the road for me as an employer." How I spent my 35 bucks was up to me. If I wanted to have it all on breakfast, all on dinner, all on supper, or I wanted to have supper with a bottle of beer, that was up to me, but I was not in any way, shape or form able to charge more than a set amount.

So I would argue that for members it probably makes some sense, since we're allowed 12 trips per year to travel anywhere within the province of Ontario on assembly business, that you give people a per diem and you say to them, "You're allowed to travel 12. You can get 12 airline tickets per year," or 24, whatever the number is now, "to travel and do assembly business. We allow you X number of hotel rooms." I think six hotel rooms a year is what we're allowed when we travel. I see nods of six. So we're allowed to stay on the road six nights per year as private members dealing with assembly business.

I would say that rather than having a system where I can receipt for my breakfast, dinner and supper, give me a per diem—that's the way you deal with it—and make the per diem reasonable. Don't make the per diem so rich that I'm going to make money on it; make it so that it basically covers the cost. So if it costs, on average, let's say, \$8 for breakfast, \$12 for lunch and \$25 for supper, then the person gets \$45, and how you spend that money is up to you. We'd save a lot of money, as an assembly, because I would argue that receipts are probably more expense for the Legislature, but it's fairly clear, and how I deal with that is my business.

For cabinet ministers I think the rule has to be a bit different. I accept that cabinet has to entertain the people we deal with in government. For example, the Minister of Tourism, the Minister of Northern Development and Mines and the Minister of Industry, Trade and Technology all have to meet with people around the world to deal with trying to promote Ontario as a place to do business. I don't want to see my cabinet minister responsible for tourism so worried about submitting the expense of a business person he or she might be meeting with, who is looking at doing business in Ontario, that they're afraid to even take them out. I don't think we're helping them out in that way. So I would argue that we have to have a set of rules for cabinet ministers that is clear, that says, "We accept that you have to travel on behalf of the province, we accept that every now and then you're going to have to spring for the meals of people you're trying to do business with," and there has to be a

reasonable amount of money that cabinet ministers should be allowed to spend to do that.

For us to get into this thing of tit-for-tat and pointing fingers I don't think does us any good. I want our Minister of Tourism, I want my Minister of Northern Development and Mines to have the ability to do their jobs. I don't care if they're Conservatives, New Democrats or Liberals; let's not scare people to the point that they're afraid to represent the province of Ontario at events that are important for us to be at. I think that's the kind of cloud we're creating by these debates and the kinds of questions that were raised in this House.

The question is, how do you make it accountable to the taxpayer? I don't think there's one cabinet minister in the current cabinet who wouldn't argue that it has to be transparent. They're honourable people. I don't agree with their policies, I don't agree with where the Conservative government is going on most issues, but I accept that they're honest individuals trying to do their job. So let's talk about accountability for cabinet ministers and let's say, "What's the rule?" For example, we can look at cabinet ministers and say, "All right, you have a system currently that works, where if you spend more than X amount of dollars, it gets reported. If you spend under a certain ceiling, those expenses are not reported and if you expend over a certain ceiling, all the expenses are reported."

I would argue that a simple rule when it comes to cabinet ministers—it would be hard to put them on a per diem, I would argue as a member; I'm travelling alone and I'm not expected to entertain on behalf of the province of Ontario—is a system that allows them to do what they need to do as far as their job, but limit it to the amount of—you can do it in a couple of ways. You can limit it by the number of people they have, the total amount they would charge, or you have a complete system of transparency. I think that would be fair.

For the opposition leaders, I would argue it's the same. I accept that my leader, Howard Hampton, or the leader of the official opposition, or Mike Harris, when he was leader of the third party, is going to go out and do things on behalf of the province of Ontario. They are going to do things in their jobs as leaders. We get contacted all the time in the opposition by the same people who are lobbying the government to deal with a certain issue, and at times we end up getting stuck with picking up the bill. As it stands now, we pay it out of our pockets, because I can't expense that kind of money. It's not allowed in the current rules.

I would say that we need to treat the leader of the opposition and the leader of the third party, or any recognized party, the same as you would treat a cabinet minister or the Premier. Have the same kind of rules: a clear system of transparency that says, "We accept that you have to do your job as the leader of the opposition; we accept that you've got to do your job as a cabinet minister or Premier, that there are going to be some expenses incurred in being able to do that when you're meeting with people, from Bay Street to union halls to

church basements to the activist groups across this province, and at times you're going to incur an expense." Allow them to receipt that expense, but make the system transparent.

I think in that way it allows both things to happen: it allows members of cabinet and leaders of the opposition to do their jobs but at the same time provides for clear accountability for the taxpayer. At the end of the day, we need to make sure that the taxpayers, the people who foot the bill for this democracy of ours, are comfortable with what has been done.

I just want to end by saying I really feel it's unfortunate that we get into these kinds of debates. It's not that we don't need better systems of accountability—I agree with that and I'm going to vote in favour of the bill—but I really think it's a disservice to all of us when we sit here in the Legislature and point fingers at each other about how holier than thou we are compared to the others. There's an old saying about glass houses, and that might actually come out to be true. If you start throwing enough rocks around a glass house, you'll be surprised what may happen.

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With that, I know that my good friend Mr Christopherson wanted to keep some time on this debate, and I look forward to what he has to say.

Again, for the record, I want to be very clear: we will be voting in favour of this legislation. It's not the kind of legislation I would like to have seen. I would like to have a system that covers all members of the assembly, that deals with a transparent system, so that people are comfortable about how we expend their money, but at the end of the day I will vote for it because at least it's a step in the right direction.

But I will vote against the time allocation on the basis that I believe we have utilized time allocation to the point that it's become a norm in here, and I don't think we're helping democracy in any way.

**Mr James J. Bradley (St Catharines):** Another time allocation motion, of course, and I don't speak in favour nor vote in favour of time allocation motions, for obvious reasons.

Unfortunately, what most of the population of Ontario—I would say probably over 99%—doesn't realize is that this government is railroading a number of bills through this Legislature. Since it's not a topical thing to cover in the mass media, it's not going to get the kind of coverage it should and, generally speaking, people in the population don't follow procedural affairs very much. But it is actually disconcerting to watch the way this government is ramming through legislation.

Some members on the government side—and I don't expect them to stand up and say anything about this—I know would share my concerns. We were in the committee the other day dealing with amendments to two bills dealing with water in this province. The amendments were simply placed and there was a vote taking place on each one. In other words, there was no discussion on any of the amendments. We essentially didn't

know how to vote on the government amendments because there was no explanation of them. There was no discussion, no input; it was simply railroaded through the House.

You feel particularly bad about this as an opposition member, but I suspect a lot of government members just thought they were being robots there, having to vote for one amendment after another or against one amendment after another. I'm not saying all the amendments the opposition proposed would have been necessarily worthy of support by the government and, conversely, I wouldn't say all the government amendments would have been worthy of support by the opposition, but I think explanations of the amendments and due consideration of them would have been a much healthier process. It just means that the Legislature becomes more and more irrelevant.

This is about a bill which deals with expenses of certain people within this House. There's no question in my mind that this is a bill of revenge. The opposition raised issues related to the expenses of people on the government side. The government decided it would get some revenge and crafted a bill which is basically unfair.

I think most of the bill is probably supportable. I think there was a need for redefining what are legitimate expenses and what are not on the part of ministers and opposition leaders and so on—I don't quarrel with that—but there isn't anybody in this House who doesn't know the government has rigged this bill so that former Premier Mike Harris does not have his expenses looked at but former leaders of the opposition—Bob Rae and Lyn McLeod—do. Also, ministers who served in the past do not have their expenses looked at, but the leaders of the two opposition parties—the official opposition and the third party—will have their expenses analyzed.

Some people may smile at that and say, "Isn't this clever of us? Look what we've done." The problem is—and I think the member for Timmins-James Bay mentioned this—there is not motivation for a subsequent government to change legislation of this kind, just like rules of the House. If I'm elected and I happen to be part of the government side, I would still be campaigning to make the legislation fair, but I don't think I would get much of a receptive audience in that regard. So when we make legislation of this kind, I think it's important that it be fair. To exempt former Premier Mike Harris, to exempt former cabinet ministers back to 1995 but not to exempt the leaders of the opposition parties back to 1995, is unfair. I think it mentions parliamentary assistants as well, that if they're not presently a parliamentary assistant, they would not be subject. I say, either all of them or none of them, but you can't pick and choose like this without it being seen as simply revenge.

I understand on the government side that it's difficult when the opposition raises these issues in the media. I'm not unsympathetic in many cases when that happens, because there are facts and figures that come out that on their bare facts and figures sound much worse than they might be. In other cases, they are legitimately bad instances, but in some cases they're not. So I understand



it. But this legislation is most unfair and I find it unfortunate that the government would proceed with this.

I think I am allocated—what?—five minutes, so somebody can help me out with that in my caucus.

Not covered by the automatic review, it says, are all former cabinet ministers, parliamentary assistants and appointments before May 2000 and any caucus member who is not an opposition leader, parliamentary assistant or cabinet minister. So this has a lot of loopholes in it, and it is crafted in a very unfair fashion. If we had a Parliament where the opposition could actually have some influence, if the rules were such that the opposition could have some genuine influence in the ultimate composition of legislation, then I think we'd see a different bill.

Is there a need to introduce such legislation? I think there is. Is a lot of the provision contained within this bill reasonable? I think it is. But I think there are some very great flaws in this legislation, and I find it most unfortunate.

I find it most unfortunate as well that this bill will be rammed through with what we call a time allocation motion or what is known as closing off debate. If nobody cares about this, governments will continue to do it. No matter what those governments are, they will continue to do it. It's not healthy for the democratic system. It relegates individual members of the Legislature to the status of robots, and that's most unfortunate.

**Mr Alvin Curling (Scarborough-Rouge River):** I've got just a few minutes to make some comments on this. Again, it's rather unfortunate that an important bill like this is being allocated a limited time in which to discuss it. As a matter of fact, we're not even discussing the bill; we're going to have to discuss time allocation.

There's a hypocrisy about this place sometimes about how things are being run. It's a democratic society in which we are elected by the people to bring the issues and debate the issues of the day. But then the government of the day and the rules themselves have made it impossible for us to do so. I think somehow something will have to be done in order to make sure that the people's voices and concerns are being heard.

I was listening very carefully today to the previous speakers, and one that jumps out at me is the member for Parry Sound-Muskoka. He said a rather profound thing. He said, "The devil is in the details." What he is saying to us is, "I'm not going to give you any chance at all to debate the legislation because you won't be seeing what we are going to do in the regulations and the details of it all, and we will limit you from discussing it." So the devil really lies within the details—the devil of the details of this very undemocratic, Harris-Eves government which has continued to be so undemocratic the whole time.

You may recall, Mr Speaker, that this didn't happen overnight. You may recall, from the first legislation, the first bill they put through the House, how democratic they were. Myself and many of my colleagues had to make sure that the public understood that this government had no intention of being democratic about this process.

Here we are now, and we are forced not to talk about the bill itself but to talk about time allocation and why the government is putting forward such an act. But we know why: they don't want us to discuss the details of all this.

**1700**

This is a very important piece of legislation, an extremely important piece of legislation. As a matter of fact, this came about because of the vigilant aspect of the opposition, of my party, who from time to time had to reveal some of the unscrupulous ways in which things were being done over there by the government. I know it's rather embarrassing when we had to say to one of our colleagues in the House that the way he's spending his money, taxpayers' money, is so awful. Then, after being questioned a couple of times, he had to resign his seat because it had not only become embarrassing to him or to his party, but the way they were spending taxpayers' money was completely embarrassing to the government.

The way this government has been spending people's money is just completely disgraceful. Actually, they talk about giving back money to those who can't afford it, and it's all a tax rebate. The way they went about, as I said, the utter abuse of the poor people, those who need some support in our society—and that's what government is all about—when they cut the support for the people who needed money from the welfare system and cut it off with lots of laughter—as a matter of fact one of the ministers had to say, "They can go and eat dented tuna, if they want."

In the meantime, they have expense accounts where people are lavishly giving \$120 tips for one day, yet the poor people out there who need the support of their own taxpayers' money were being exploited in this manner.

It's no wonder, of course, that they want to really rush this bill through without any full debate. My colleague from Sudbury pointed out a number of bills that have gone through here with closure aspects and no way of debating these bills. It is disgraceful and awful. We would like, in the short minutes that we have, to tell the people outside, the people whom we represent, that this government that is so unaccountable to anyone—they're only accountable to their own selves in how they spend the taxpayers' money in the sense of blowing it to the extreme with their extreme wantonness—when we often want to debate this issue, none would like to do that. They want to rush it through the night with great expenditure and big packages coming to us, and then tell us to review it overnight.

I'm saying that this is disgraceful. The people will remember, very much so, the way this government has rammed it through in the nights to make sure that we cannot debate this. We hope somehow, when the day comes that they call the election, people will be reminded of the atrocious, undemocratic way this government has carried out its duties.

**Mr Ernie Parsons (Prince Edward-Hastings):** I think the tragedy in this is that we have to speak to a bill such as this. Sometimes the reality is that common sense

isn't very common. We have spent quite a bit of time in this Legislature looking at expense claims. By and large, I think the sense is that one, two or three individuals have poisoned it for others.

I've had an opportunity to look at some expense claims myself, and we see claims in there for meals and to entertain groups. I have no trouble with that. In fact, some of them are kind of funny. There is one in there where an individual first of all claimed for some rye, following that claimed for some steak and then, following that, claimed for a bottle of Aspirin. I suspect there's probably a story behind it that we're not going to be interested in or pursue.

It is a bill that is unfair. It is unfair in the sense that it has been specifically and intentionally developed to exempt some government members—to wit, the former Premier Harris—and yet to reach back in time and claw forward from previous governments individuals who were leaders. It's done for revenge, and I think it demeans the parliamentary process when that's the motive for it. It's done just to get even for the opposition having uncovered some of these expense claims.

I think it is a grave error for a number of reasons: first of all, it is a grave error because, although the government may think they've won, they've exempted their former leader but they've been able to force the other leaders to open up their claims, so I don't think they will be particularly startling when they are revealed.

The people of Ontario are not stupid. The people of Ontario who are our employers, the people of Ontario who have sent us here, not to lord it over them but rather to be their servants at Queen's Park—the people of Ontario know the game being played, and they don't like the game. My fear is that when they don't like the game, they absent themselves from the process of democracy. So when they see this, it's wrong.

It was the opposition who asked for these expense claims. I make no apology for that. I make no apology. In each and every one of our ridings, we have constituents who are struggling financially but who have sent us here. It may be impossible for some on the government side to understand that although it is kind of funny that a cabinet minister claimed a bottle of Aspirin, there are families in this province who struggle to buy a bottle of Aspirin for their ill children. That may seem funny to you, but that is a reality. There are too many families in this province who run out of money before they run out of month.

In a way, what these claims said to me was not the dollar amounts; how much was paid for a flight to Sudbury doesn't matter, because that has to happen. But it's an attitude, when a member can't pick up the money for the cost of a bottle of Aspirin. It's not a free ride here. None of us came here for a free ride. I don't care which party or which side of the House; I truly believe that every member here came to, in their way, make a difference.

Unfortunately, this bill follows the pattern of virtually every other bill, which is time allocation: stifle the discussion, stifle debate. That's frustrating for the opposi-

tion. It's got to be frustrating to be a government member on the back bench, to be given scripts to read, to have to follow the line given by it. I have a great deal of sympathy for you at times, because there's no way you can believe what you're saying, no way you can believe that. I'm sorry you have to pretend to defend it. Maybe after, when we're having coffee somewhere, you can say, "Boy, I wish this government hadn't rammed this other bill through." You have to stick to the line, and I understand that, but you ought to know that you have our sympathy from this side. On this side, we can do what has to be done, which is the right thing. We will vote against this bill, not because it is wrong to have a limitation on the expenses, but because it is wrong to use time allocation and ram through every piece of legislation.

**Mr Bart Maves (Niagara Falls):** I'm really happy to have gotten up to speak following the last comment the previous speaker made. He said, "We're going to do the right thing because we're opposed to time allocation motions in the Legislature."

One of the things that is continually frustrating for our House leader and for the government on this side of the House is the House leaders opposite refusing to allow smooth passage of legislation through the Legislature. Time and time again, the opposition parties have refused to let pieces of legislation that they support go through.

I remember that early on in the session there was the red light camera bill. This was a bill to extend a pilot project to five municipalities so they could keep using red light cameras for another two years to experiment to see if those were appropriate and would improve safety in their communities. Everyone in the facility agreed on it. We debated it, I think, for five sessions. Why? Because the opposition was being obstructionist. In fact, they voted for the bill.

1710

Today we had two more bills that the members opposite—we brought in a time allocation motion for the consumer protection bill because the opposition didn't want to let it go through. When we brought it in, they stood up and said, "Oh, what an affront to democracy. Here they are again with another time allocation. Isn't this awful?" Well, do you know what? Today we voted 90 to zero. All three parties agreed with it, yet the hue and cry and the time allocation and, "Oh, my gosh, this is a bad bill."

Another bill today—it wasn't just the consumer protection bill—was the water protection bill brought in by the Minister of the Environment, and it was the same thing. We had debates about that in this Legislature day after day after day. Finally, the minister said, "Look, you guys agree with this bill. Why are you holding it up? Let's get on with it." "We'll do the right thing," the gentleman opposite just said. Well, you agree with the bill. It's about water protection for people. Let it go through. But no, so our House leader filed another time allocation motion. Oh, you'd think the world was falling apart: "Democracy is over with. Isn't this a terrible thing, another time allocation motion?" Well, today the water



protection bill comes up, and what's the vote on that one? Ninety in favour, zero against.

Don't tell us that time allocation is awful and we're trying to stop democracy. That's nonsense. The people at home don't really know how this place works, the inner workings, but they should know that any time you guys get up and complain about time allocation motions, it's a lark. Believe it, folks at home.

I'm going to talk to my good friend from Kingston and the Islands, Mr Gerretsen, because I've been around when he has debated this bill and I want to speak to some of the things he has said in the debate on this. You know, one of the things the member for Kingston and the Islands has said in the past, as did the member opposite who just spoke, from Prince Edward-Hastings, is, "Wow, they're just mad because we revealed a few bad apples out there who had too many expenses. There's just a couple of cabinet ministers. They're embarrassed, so they're mad."

Give me a break. The Liberals filed 75 or 100 freedom of information act requests for cabinet ministers' and parliamentary assistants' expenses over the past four years. We may find out that they were advised to do this by some American consultants, perhaps by Mr Kinsella, who's now advising them but used to advise the federal Liberals—a noted, nasty, dirty-politics politico. As soon as they got in with this band, all of a sudden these freedom of information act requests started; we all started assembling our receipts and sending them in over the years. You know, it wasn't a few bad apples they were concerned about. I remember I had 24 cents on a bill that was PST for alcohol. I didn't see it; it got through and I paid for it. It wasn't a few bad apples with thousands and thousands of dollars of expenses—24 cents PST alcohol and there was a press release to my riding: "Isn't this guy a rotten guy?" So just save that, because we all know better on both sides of the aisle.

It's been difficult. I remember, as a newly elected member, I became a parliamentary assistant in 1997 to the Minister of Labour. They give you this government credit card. I came into this position and my idea was to save money. I was tired of hearing stories of waste and so on. So I got a government credit card and I said, "I really don't want one. What do I need that for?" They said, "Well, as a parliamentary assistant to labour, you are going to be asked to travel around the province, make speeches to different groups, meet with stakeholders, meet with individuals who have concerns with the Ministry of Labour. Those are expenses that you can expense and should expense to the government of Ontario because they are expenses you incurred where you had to travel doing your job."

I was extremely hesitant to use that card. I started using that card when my wife started beating me up at home all the time because I was expensing a lot of things on my own, just paying them out of my salary. She said, "You know, the problem with that, Bart, is that first of all no one is ever going to thank you for it or even notice you've done it. Second of all, you're taking money out of

your own kids' mouths." Reluctantly, I started to use these credit cards. And by the way, we use the credit cards for these expenses and then pay the bills ourselves. We submit that receipt, and then it gets reimbursed back to us.

But I'll tell you, there was a great deal of ambiguity about what was considered a legitimate expense. Rules have had different interpretations in different offices, and this has ultimately meant a loose set of standards without a clear authority to judge complaints. These vague rules, widely interpreted, have only led to confusion among ministers, parliamentary assistants and their staff about what was allowed and what was not. I want to add that what was confusing was process. I go off and use my credit card and bring receipts and put them in this pocket and put them in that pocket and one wallet or another. I come back and go to my staff, the people on my staff in charge of paying receipts, and I give them all these receipts. I say, "Take care of these. File for my expenses form." My staff does the job of going through the expenses. If there's anything there that's supposed to be omitted, they omit that expense. Then we fill out a form, sign it up and send it off to the ministry.

In some ministries, they have a double-check, where the ministry will actually take it, look at the receipt, look at what you filed, and if they find something that was inadvertently receipted that shouldn't have been, they'll call you up and say, "Mr Maves, this was something that shouldn't have been receipted." You look at it and say, "Gee, you're right. I apologize. Take it off." Some ministries didn't do that.

This was an odd situation. I should be my first check, my staff person who submits receipts is the second check and the ministry is the third check. In many cases, the ministry wasn't the third check and that's how some of these things inadvertently got through.

There's one thing that's a little bit irritating about this whole debate when you have your integrity impugned because, as I said before, you inadvertently expensed over the past seven years something that shouldn't have been expensed and rightly reimbursed the taxpayers for that. One of the things that's irritating to me is that in this Legislature in 1995, and I'll bet you 95% of the people in Ontario don't realize this, we eliminated our tax-free allowances as MPPs. No other governing body, municipally or federally, has done that, that I'm aware of, in this country.

We also got rid of a gold-plated pension plan. Do you know right now, today, after having been here for eight years, if I lost the next election or decided not to run again in the next election, I would be eligible to start, as a 38-year-old man, with about a \$35,000-a-year pension, adjusted for inflation, for the rest of my life? I know MPPs right now who have a pension, who served 15 years in this place, who make more money on their pension than I make as an active MPP. We said that gold-plated pension plan was unfair, and it was. We repealed it and we replaced it with an RRSP contribution plan. I now get \$4,000 a year put into an RRSP contribution plan.

You know what? There are people who wonder why we did that. The reason pension plans were there in the first place was because people gave up their careers. You could have been a lawyer, you could have had a huge stable of clients and then you left for four, eight or 12 years to go into the Legislature, and when you came back to your law firm, you had to start over. That's why originally these pension plans were put in place. Well, we eliminated it.

I know that a lot of members opposite feel the exact same way. It's very frustrating to have done the right thing, maybe even gone too far. Quite often, in the hallways, we have conversations about whether we went too far, eliminating that pension plan and replacing it with an RRSP contribution plan. But the point of the matter is that the pension plan was too rich and we dealt with it. What's really irritating is that I had some of my best friends, my neighbours, say to me after the last election, "The good thing is you've got your pension for the rest of your life." No.

So we have had a great deal of integrity on this side of the aisle. The member from Erie-Lincoln, who's younger than I am, under that old pension plan, had he decided to retire after this mandate in office, probably would have been eligible for about \$2 million in his lifetime. He voted away \$2 million. I did that too. I think that's a huge sacrifice. I think that shows a great deal of integrity on the part of members of this government. We introduced that bill. We were the ones who got rid of the pension plan. When other people nail you for inadvertent expenses over a seven-year period, they're right, it was the wrong thing to file and it got through the process, but come on, the member for Erie-Lincoln voted away \$2 million.

1720

**Mr Frank Mazzilli (London-Fanshawe):** He bought a fishing license.

**Mr Maves:** He bought a fishing license one day when he was with northern development. He was also the Minister of Mines, I recall, and he did a great job there.

It's hard when the members opposite get on their soap box and want to talk about integrity. I recall, I'm going to go back to the Hansard—oh, believe me I will—Mr Smitherman—

**Mr John Gerretsen (Kingston and the Islands):** You can't name names.

**Mr Maves:** Toronto Centre-Rosedale. You're right, I can't name names. I apologize, Speaker. I withdraw that. The member from Toronto Centre-Rosedale, after some of these expenses came out, and some of them were large for some members, several days in a row got up on his high horse and talked about how the only ethical member in this Legislature, the only man with any integrity was Dalton McGuinty.

The media said, "Hey, Dalton. How about letting us see some of your expenses? You're beating up on the members opposite. You're beating up on the Minister of Tourism, someone who travels all over the province. The parliamentary assistant for the Ministry of Tourism

travels all over the province and has flights as expenses and so on. You're beating up pretty hard on him." The media said, "Why don't you release your expenses?" He said, "All copies, all receipts of mine, I assume this is done by the other two leaders as well, have been submitted to the Board of Internal Economy. What I have here is a summary of my expenses and I'm quite prepared to make those public.

I remember the time—it was for the previous year. Mr McGuinty submitted something like \$34,000. I sat there, "It's \$34,000? Wait a second." Of course, the media write in the paper, "Mr McGuinty's expenses were \$34,000." Just go to the individual members' expenditures, which are filed on all of us. We all have individual expenditures. Mr McGuinty, in three years, 1999, 2000, 2001, 2002: \$249,290 in a three-year period. It's all right here. That's all public. But when he said, "Oh, here's my expenses, 34 grand," I guess he forgot about all the other stuff he filed here.

Really, \$250,000. You could check John Baird's expenses, another Ottawa member, Mr Sterling or Mr Guzzo—nowhere near that amount. It's frustrating for members on this side of the aisle.

We needed to introduce this bill so that we could clarify this. It's important we go to the Integrity Commissioner. It's good to have members go to the Integrity Commissioner every year. We show him all our investments and we show him our wives' investments. I have to show him any investments my kids have. He looks over those investments to make sure I don't have any conflicts. I think everyone in this Legislature thinks that's a fairly valuable process.

If someone calls them and offers them something or wants to go to dinner with them or go to a game or something with them, some of the members are like, "I don't know if I should do this. Am I allowed to accept this?" They pick up the phone and call the Integrity Commissioner. The Integrity Commissioner has a chat with you and tells you whether you should accept it or not. This is a similar process, where we're asking the Integrity Commissioner to become involved in the receipt process.

They did a press release about me for a small amount of PST on liquor that was inadvertently submitted over a seven-year period, bashing me over the head with that and challenging my integrity. Then I hear, the other night, my good friend from Kingston and the Islands say, and I quote from Hansard, "I, by the way, don't have a particular problem with, for example, people who may want to do business in Canada, from which we can all benefit in Ontario, being wined and dined to a certain reasonable extent so that we can get their business here. I've got no problem with that at all, because I know that sometimes you have to spend a dollar in order to make \$10 and in order make our economy grow."

If you have no problem with that at all, why all the press releases in everybody's riding for, in some cases, the smallest of amounts of errors? I think the gentleman from Kingston and the Islands is such. I know he didn't



have anything to do with some of those press releases. In fact, I'm willing to bet that when those American advisers and Mr Kinsella and others started to advise the provincial Liberals about dirty tactics, dirty tricks and attacking people's integrity, there were some of the members over there who said, "Don't go there. Let's not do this. This is problematic. We should be above this." I think for several weeks in a row, over the last couple of months, they've probably even had that debate several times in their caucus. That's what I think.

So there are some members, perhaps members who decided that they wanted to use the government Purologer service for their friends, who said, "Pshaw, we're going to go there," and they went there. And now we're here and we have a bill. Mr Eves says, "Look, let's get this all out on the table. Let's clarify how this should all work." That's the bill we have in front of us today, and I'm going to vote in favour of it. The Liberals have spoken in favour of it on several occasions. Let's see how they vote. Let's see really who has integrity.

**Mr Gerretsen:** Let me first of all say I stand by everything I said in that Hansard, and I will say it again. It's all a question of reasonableness. What would you do if you were spending your own money? That to me is the ultimate test. Quite frankly, I don't remember saying in this House at all what anybody else's expenses were, because I assume that we're all honourable until proven otherwise. So that's one point.

The other point that I very quickly wanted to make is that of course what we're really dealing with here is a time allocation motion. It's interesting. There has been a total of 19 bills that are coming to a conclusion during this session. Seventeen of them have been time-allocated, which means there were only two bills that were not time-allocated. Let's take a look at those two bills that weren't time-allocated.

One of them was the Back to School Act (Simcoe Muskoka Catholic District School Board), and I think there was unanimous agreement among everyone here that that situation should be settled.

The other bill, and I have a great problem with the way in which this bill was handled, was last Thursday, the Justice Statute Law Amendment Act. The House leaders decided, after most of us had already left town, at about 3:30 or 4 o'clock that afternoon, to call that bill for final reading. You may recall that the vote was 53 to 0, because 50 members had already taken off for their ridings, which was a highly unusual move. I think the move that was perpetrated at that time didn't speak well to the democratic actions that a place like this should take.

I totally believe that everyone should be covered in the act that we're dealing with here today, Speaker. Nobody should be excluded who has had anything to do with this place going back to 1995, or whatever date you want to pick. But do not allow us to pass an act which excludes specific individuals, whether they're former Premiers or former cabinet ministers, and yet include former leaders of the opposition. That's all I want to say about that.

If you want to have some real accountability—I will go back to this, and I know Mr Maves will agree with me, because he had a similar bill to my Bill 5, which is the Audit Amendment Act. If you want to get some real accountability into the entire system as to how we spend public money, go to your House leader and ask him to bring that bill forward and let's have an open debate in exactly the same way that we had an open debate here last night about the double-hatter situation. If there are some members in this House who don't like the Audit Amendment Act, let them vote against it. This is an act that has had unanimous second reading in this House. It went to committee. It was unanimously approved at the committee, with all the amendments thereto, and for some strange reason only known to the government House leader, it's not being called for third reading.

What will the act do? The act will allow the auditor to basically follow the money. Two thirds of the money that we spend in this place, almost \$40 billion out of the \$60 billion annually, goes to grant recipients: the hospitals, the universities, the colleges, the school boards, some of it to municipalities etc, and there is absolutely no internal accountability system for that. What my act with its amendments will do is give the auditor the power to go after the money. Will he do it in every case? Of course he won't; he simply doesn't have the human resources to be able to do that.

It's interesting that the Minister of Finance in 1996, a certain Mr Eves, who is now the Premier, said that he was going to bring in amendments to the Audit Act. It was again stated in 1999 by the then Minister of Finance, Mr Flaherty, that he was going to bring amendments to the Audit Act to allow the auditor to follow the money. The Public Sector Accountability Act, which was trumpeted by this government as giving real accountability, of course was never proceeded with.

1730

The only conclusion that I can come to as an individual member is that this government talks a great line about accountability and yet it really doesn't want to see any accountability. There should be accountability for every dollar we spend in this place, whether it relates to our expenses, to the money that we give out to the various institutions out there or to the dollars that are spent by government programs themselves. That's what the system is about.

So I would ask the members opposite, if you really want to see accountability, call Bill 5 back on the order paper. Let's pass it and give the individual who after all is an officer of this assembly the true ability to follow the money.

**Mr David Christopherson (Hamilton West):** It's interesting that Bill 216—and it almost pains me to say this, but the reality is that this is political payback. That's what's going on.

**Hon Mrs. Johns:** Yes, it is.

**Mr Christopherson:** One of the ministers across the way has confirmed it is. I won't say that minister's name, but it's that apparent that a minister would be prepared

do say that, albeit in a heckle. But at least she would say something publicly. It is payback and it's a shame.

**Mr Mazzilli:** We don't get mad; we get even.

**Mr Christopherson:** Now I hear from one of the backbenchers, "We don't get mad; we get even." Here we go with the macho stuff. Look, this is really not getting us or the people of Ontario anywhere. It really is a shame we got to this point. I understand the politics of it, like virtually everyone else in this place. The Libs went through the expenses of the cabinet ministers with a fine-toothed comb and found something on the member for Burlington, who was then the Minister of Tourism, and ultimately that minister was asked to step down or stepped down of his own accord. Now we've got payback.

**Mr Mazzilli:** No.

**Mr Christopherson:** Now it's "no" from the same member who was doing the macho thing a minute ago.

**Mr Mazzilli:** Fishing licences. Where does it end?

**Mr Christopherson:** The member is saying to me, "Where does it end?" There we can agree, because it's almost becoming like Spy vs Spy. You go through the magazine far enough and it becomes Spy vs Spy vs Spy vs Spy, ad nauseam.

I will say this to the government, especially those who weren't here from 1990 to 1995: before you get too offended about what was done with your expenses and everything else, you might want to talk to some of your veteran colleagues about what your party's approach was to our ministers. To some degree, when you're in government and in power and you get the perks and the privileges and the authority of being in power, there are certain things that come with it. One of them is incredible scrutiny.

So I think there's enough blame, if you will, to go all round. I'm not trying to stand here and say the NDP is blameless but, again, even the government acknowledges this wasn't about us; this was going after the official opposition.

As for the bill itself, some of you should be having a great deal of difficulty explaining away parts of it, especially when you want to get up, as some have done today and at other times, and try to take the moral high ground. Give me a break. What does this bill say about who has to submit receipts under this new law and who doesn't? It says in sections 13 and 16 that the people this affects, whose expenses are going to be reviewed, are cabinet ministers or parliamentary assistants who held office on November 28, 2002. That was the day of the first reading. That's when this bill was introduced.

So if you were a parliamentary assistant or a cabinet minister on November 28, 2002—and forward, I would assume, obviously—then your expenses are to be subjected to this bill and the scrutiny this bill provides. However, they then have a different deadline for the two opposition leaders. Come on. For the opposition and their staff, it's June 26, 1995. Now, one might ask, why would that be? Why would there be a difference? Well, the difference is that by picking June 26, 1995, which if

memory serves me correctly was the exact day that the new cabinet of the new government was sworn in, the date of the formal transition of power, what it does is, it captures not just the current leader of the official opposition but the previous leader.

Fair enough. You want to get even? You're going to cast your net as wide as you can. So fair enough. If that's your motivation, then obviously you want to do it as thoroughly as possible and in a way that you think is going to catch, what, the biggest fish you can. Fair enough. But how come it doesn't apply to cabinet ministers and Premiers and parliamentary assistants back to June 26, 1995? Why would that be? Why would the cabinet, members of the executive council, be treated differently than the opposition leaders and their staff?

It might suggest that you want it both ways. You want the ability to go back because you think if you go back far enough, you can not only trip up the current leader of the official opposition but also his predecessor. But by doing it this way, of course, former Premier Harris is protected. Come on. I'm just surprised that you weren't so embarrassed that you just said in caucus and in cabinet, "We can't do this. Come on. How can we expect to get away with this? It's so obvious. We'll be so embarrassed to bring this in. Can you just imagine the opposition members standing up and waving the bill around and saying, 'But look at the date difference'?"

I see cabinet ministers laughing. I suspect I'm not that far off the mark in terms of the debate. And yet, here we are. The government backbenchers are duly getting up and doing their job and defending the bill as best they can, but here is this blatant, transparent, obvious, dare I say almost juvenile attack on the official opposition, and you protect Mike Harris.

I always thought Mike Harris presented himself as a guy who didn't need anybody to fight his fights. I always thought Mike Harris presented himself as a tough guy who was prepared to stand up and say, "Hey, I'm the guy who brought in the Common Sense Revolution. I do what I say I'm going to do, and I'm not afraid of anybody, and all of you, come on," and that whole big, huge, macho routine. Is that not a lot of the persona that former Premier Harris offered of himself and, by extension, the government? Yet here we are with his successor, Premier Ernie Eves, protecting Mike Harris?

I wonder how Mike Harris feels about that. I suppose on the one hand, if he had something to hide, he's probably very relieved, and I guess he should be thanking Premier Eves. Rather than being upset with throwing overboard his own personal agenda, perhaps I guess now it's time to call up and say, "Thank you, Ernie. Thank you so much for covering me and taking care of me, because without you, Ernie, I would be in so much trouble. They would have found out about these inappropriate expenses, and you protected me. Thank you, Ernie. You're a real buddy."

But I am surprised that Mike Harris would want that to happen, unless that's the case. It would be more consistent with the Mike Harris that I knew in this place



for almost 13 years, for him to phone up and say, "Please go into committee of the whole and make the change. I'm not afraid. I'm prepared to stand up to the same scrutiny as Ernie Eves. I'm prepared to stand up and face the same scrutiny as the leader of the official opposition and the leader of the third party." That's the Mike Harris that used to be in this place, not the one that I can only assume is somewhere in Toronto or North Bay, cowering in the corner, hoping that the Ernie Eves Protect Mike Harris bill gets passed, because the Mike Harris that I remember, if he didn't have anything to hide, would want to stand on that principle. Isn't that the sort of person he portrayed and presented himself as to the people of Ontario: a stand-up guy, not afraid; he didn't do anything wrong, so why should he be afraid? Instead, he's going to allow Ernie Eves to protect him because he's afraid?

1740

That's all I can conclude, because it is just so blatant. Think about it. I'm going to read the exact words because it's so almost unbelievable that one needs to have it read word for word so people can appreciate the fact that this is real: this transparent, unfair attack on the two opposition leaders as well as the protection for the frightened Mike Harris. Here's what it says. This is in the explanatory note of Bill 216, An Act respecting access to information—except Mike—for the review of expenses—except Mike—and the accountability of Cabinet ministers—except Mike—opposition leaders and certain other persons. What does it say?

"Sections 13 to 16 provide for a transitional review by the Integrity Commissioner of specified reviewable expenses of people who hold office as cabinet ministers or parliamentary assistants on November 28, 2002 and their staff and people who have held office as opposition leader anytime on or after June 26, 1995 and their staff."

If you're going to do something like this, at least have the guts to do it in an honourable way. There are honourable ways to battle each other. I don't have a problem with that phrase, by the way. I'd much rather see us battle here than out on some battlefield. All you can lose here is a political career, rather than some mother's son's life. So fair enough. There are going to be battles, and it's like war. Fair enough. But do you know what? Even honour among thieves has a certain currency with most people. Where is the honesty here? I'm looking right at one particular member who portrays himself, I would say, for the most part, for very good reason—I've got to throw in that little covering—but really, an honourable member who probably has a lengthy career here, who has stood out as a fine example of a parliamentarian. There is nothing honourable about this.

**Mr Gerretsen:** Who is he talking about? Name names.

**Mr Christopherson:** I was talking about the member from Niagara, Niagara Centre—Niagara Falls. We won't go there. We shan't go there, given the season. No, I was talking about the member for Niagara Falls, who spoke not that long ago, and that's who I was looking at when I

just spoke. I consider him a man of integrity. I'm surprised that he feels comfortable with a bill like this, because there is nothing honourable about this.

Notwithstanding the motivation and the time we're wasting doing all this so you can get even with the Liberals, it is so dishonourable to have one deadline for your ministers and your parliamentary assistants and a different deadline for the opposition parties. There is probably some kind of charter challenge here. Where is the equity? Where is the fairness? Where are your guts? If you're prepared to stand by what the Integrity Commissioner uncovers, or you certainly expect the opposition leaders to stand by what the Integrity Commissioner finds, why aren't you prepared to live by the same rules?

**Hon Helen Johns (Minister of Agriculture and Food):** We are.

**Mr Christopherson:** I hear a cabinet minister saying, "We are," but you aren't, because the predecessor to the official opposition is subject to this bill but your predecessor as Premier is not.

**Hon Mrs Johns:** You can FOI me all you want.

**Mr Christopherson:** Don't give me that about FOI. Not everything is FOIable. The fact of the matter is that there are two deadlines in here for a very specific reason: either Mike Harris has something to hide and you're protecting him or you fear he may have something to hide and you're protecting him.

I've got to tell you, it's a wonderful image. I'd love to see a cartoonist do a picture of Lyn McLeod, who's the predecessor to Dalton McGuinty as the official opposition leader, standing in a corner in a ring, if you will, prepared to do battle with anybody that wants to come at her. She's prepared to defend her expenses. Then in the same picture, in the other corner, cowering and shaking and hiding behind the new legislation, is Mike Harris. Because that's what this does. Lyn McLeod, Dalton McGuinty, Howard Hampton: all prepared to stand behind what the Integrity Commissioner finds.

The current Premier obviously is prepared too. But not Mike Harris; Mike Harris is protected. So either he has something to be afraid of and he owes Ernie big time or Ernie is worried that Mike might have something to worry about, in which case Ernie is taking care of Ernie.

Either way, Speaker, in my opinion, it really taints what otherwise is something that is in the best interests of the people of Ontario.

**The Acting Speaker:** This completes the time allocated for debate.

Mr Galt has moved government notice of motion number 84. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1747 to 1757.*

**The Acting Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted	Guzzo, Garry J.	Mushinski, Marilyn
Baird, John R.	Hardeman, Ernie	Newman, Dan
Barrett, Toby	Hastings, John	O'Toole, John
Beaubien, Marcel	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Johnson, Bert	Stewart, R. Gary
Coburn, Brian	Kells, Morley	Stockwell, Chris
Cunningham, Dianne	Klees, Frank	Tascona, Joseph N.
DeFaria, Carl	Marland, Margaret	Tsubouchi, David H.
Dunlop, Garfield	Martiniuk, Gerry	Tumbull, David
Ecker, Janet	Maves, Bart	Wetlaufer, Wayne
Elliott, Brenda	Mazzilli, Frank	Wilson, Jim
Flaherty, Jim	McDonald, AL	Witmer, Elizabeth
Galt, Doug	Miller, Norm	Wood, Bob
Gilchrist, Steve	Molinari, Tina R.	Young, David
Gill, Raminder	Munro, Julia	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic	Curling, Alvin	Martel, Shelley
Bartolucci, Rick	Dombrowsky, Leona	McLeod, Lyn
Bisson, Gilles	Duncan, Dwight	McMeekin, Ted
Bountrogianni, Marie	Gerretsen, John	Parsons, Ernie
Bradley, James J.	Gravelle, Michael	Patten, Richard
Caplan, David	Hampton, Howard	Peters, Steve
Christopherson, David	Hoy, Pat	Phillips, Gerry
Churley, Marilyn	Kennedy, Gerard	Prue, Michael
Cleary, John C.	Kormos, Peter	Pupatello, Sandra
Colle, Mike	Kwinter, Monte	Ruprecht, Tony
Conway, Sean G.	Lalonde, Jean-Marc	Smitherman, George
Crozier, Bruce	Levac, David	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 50; the nays are 35.

**The Acting Speaker:** I declare the motion carried. Pursuant to standing order 37, the motion to adjourn is deemed to have been made.

We'll take a few seconds while the chamber clears.

**ADJOURNMENT DEBATE****DAIRY INDUSTRY**

**The Acting Speaker (Mr Michael A. Brown):** Pursuant to standing order 37(a), the member for Elgin-Middlesex-London has given notice of his dissatisfaction with an answer to the question given by the Associate Minister of Municipal Affairs and Housing concerning the edible oils act. The member for Elgin-Middlesex-London has five minutes.

**Mr Steve Peters (Elgin-Middlesex-London):** I open by making the statement that I find it very disturbing that on the day I asked the question of the Premier of this province, December 4, 2002, he chose not to answer this question. If the Premier meant half of what he said on the election trail, or if he's remotely interested in what he talked about at his much-touted round table, he wouldn't have sloughed this question off to another minister.

I would contend that the Premier didn't really have a grasp or understanding of what I was talking about when

I asked the question. The Premier looked around, sloughed the question off, and then acted in a totally disinterested manner on the question. I think that's irresponsible on behalf of the Premier. The Premier should be concerned about the second-largest industry in this province.

I referred to a December 4, 2001, letter that the former Minister of Agriculture, Mr Coburn, wrote to Gord Coukell, the chair of the Dairy Farmers of Ontario. I'm going to read again, for the record, the pertinent sections of this letter:

"One piece of Bill 87 is the repeal of the Edible Oil Products Act. I have heard your concerns about the lack of federal safeguards to ensure products are labeled properly. I can tell you that Ontario believes the federal government needs to ensure its regulatory processes are adequate to protect consumers and industry interests. We will call on the federal government to amend its food labelling legislation to ensure that blended products are labeled properly on store shelves.

"I, the Minister of Agriculture, Food and Rural Affairs, am willing to submit to you today that in order to ensure the proper safeguards are in place, it is my intention to amend Bill 87 at the earliest possible date to remove reference to the June 2003 repeal of the Edible Oil Products Act in order to ensure that the federal government has time to do its work."

I think the minister at the time was very clear and very straightforward. The minister acknowledged that June 2003 was too soon to ensure the necessary safeguards and regulations were in place. The minister promised in that letter that it would be dealt with as soon as possible. But here we are, over one year after that letter was written to the Dairy Farmers of Ontario, and we still have no resolution in front of us, before this Legislature.

I contend that in discussions with the dairy farmers, the Dairy Farmers of Ontario accept the future repeal of the Edible Oil Products Act. They're not debating this issue. What they are concerned about is that there are jurisdictions surrounding Ontario that have regulations and safeguards in place for blended products. The Dairy Farmers of Ontario have come to the table. They're willing to compromise and to negotiate. What the Dairy Farmers of Ontario demand and deserve, though, is a level playing field with our neighbours to the south. When we look to the south, we see that level playing field being put in place by American legislation called the Filled Milk Act. You can't justify, and you can't just pull the rug out from underneath an industry.

The minister acknowledged a problem, the minister made a commitment and now we're asking what the government is going to do and when you are going to deal with this.

I introduced a private member's bill today that gave, I thought, a reasonable amount of time to deal with the issue, to appropriately deal with the outstanding issues. All stakeholders, though, during the discussions need to be at the table.



The minister last year made the commitment that he would call on the federal government to ensure that blended products are labelled properly. But we have not heard, and the dairy farmers have not heard, this government calling on the federal government to act. This government has sat on this issue, and it's crunch time; it's the crucial time that the government deal with this.

I asked for unanimous consent today, twice, to put a deadline in place. That unanimous consent was denied by the government.

Repeal the act and repeal it responsibly.

I want to deal just quickly with the whole issue of supply management, because I asked you specifically about this government's commitment to supply management. I quoted from a letter from the Minister of Agriculture, but nonetheless the phrase she used in there doesn't show this government's unequivocal support for agriculture. The federal government has shown its unequivocal support for supply management. The Liberal Party has given its unequivocal support for supply management. We've yet to see that unequivocal support for supply management from this government.

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** I'm pleased to address the question of the member opposite this evening.

First off, I want to address his first comment. The Premier of Ontario certainly understands the importance of agriculture in this province and the important role it plays in the economic activity in Ontario. He has made that statement on many, many occasions.

Our government has certainly displayed that support time and again in the length of time that I've been here, since 1999. We have an outstanding record with respect to consulting with our agricultural entities to strengthen and build on the successes they've had over the years so that we're better able to compete and meet some of the challenges we have today in the marketplace. This particular issue is another one of those challenges.

The member opposite questioned our support for supply management. Well, Minister Johns addressed that today in her response to a question. Maybe I'll just read her comment again today. This is Minister Johns: "I assure you that the Ontario government, including the Ontario Ministry of Agriculture and Food, continues to strongly support supply management. Supply management has worked well for the dairy, egg, broiler hatching egg, chicken, turkey and flue-cured tobacco industries."

The minister went on to say, "It is important that supply-managed commodities continue to evolve in order to respond to the changing environment in which they operate."

That comment is certainly supported by the Web site that the dairy farmers have, where they claim, "Working with farmers across Canada, DFO"—the Dairy Farmers of Ontario—"is positioned to respond to new trade rules and the realities of a changing market."

The realities of a changing market are some of the most important things we have to deal with on a daily basis to make sure that our industries, our commodities

do have an opportunity to expand and grow and build on the successes they've enjoyed over the years.

Agriculture in this province, the second-largest industry, plays an important role in the economic setting of this province and will continue to do so, certainly under the support this government has provided them in the past and will continue to do in the future.

In terms of our consultation and working with our stakeholders, the Dairy Farmers of Ontario, there was extensive consultation on the Food Safety and Quality Act. Certainly when I was ag minister, that relationship was very close, where we worked to be able to address the concerns of the Dairy Farmers of Ontario, no different from any other stakeholders in agriculture.

I make reference to the Nutrient Management Act. There's been extensive consultation there as well. One of the most recent ones is the Agricultural Employees Protection Act, where we worked to address some of the real concerns that farmers had, family farms and the agricultural community in general, with respect to the workplace on their farms on a daily basis, where they felt threatened.

The Liberals on the other side certainly aren't too sure where they stand on agricultural issues. The member opposite made a statement today and it may even change tomorrow. For example, they abstained from the first reading vote on Bill 187 and then voted for it in the end. Then in a short time the leader of the official opposition wants to change the legislation and allow some agricultural workers the right to form a union. Furthermore, the member for Vaughan-King-Aurora and the president of the Ontario Liberal Party says he wants to repeal Bill 187.

So you have to question really what the position is on the other side. It's nice that the member opposite has raised this issue, but the unequivocal support that we've given in the past to agriculture and to the dairy farmers is something we'll continue to do in the future. The minister has this issue well in hand, is consulting with the dairy farmers of Ontario and will resolve this issue in a timely fashion to the satisfaction of the dairy farmers of Ontario, as we do with all of the issues, so that as this industry moves ahead, progresses and builds on its successes, it can be a major force in the economic portfolio of this province.

1810

#### MINISTER'S COMMENTS

**The Acting Speaker (Mr Michael A. Brown):** Pursuant to standing order 37(a), the member for Kingston and the Islands has given notice of his dissatisfaction with the answer to his question given by the Minister of Public Safety and Security concerning the Provincial Auditor's report. The member for Kingston and the Islands has five minutes for his presentation.

**Mr John Gerretsen (Kingston and the Islands):** This issue arose as a result of a letter that was dated December 6 from the Provincial Auditor to Mr

Runciman, the Minister of Public Safety and Security. It deals specifically with respect to comments that he made both inside and outside the House in the week previous to that. I want to quote from the transcript of the scrum that was taken, I guess, on December 3 in which the minister said, and this is with respect to items that are contained in the Provincial Auditor's report as it relates to the Ministry of Public Safety and Security, "I'm implying that it's certainly in many respects inaccurate and misleading." Later on he said, "I'm concerned that it leaves a wrong impression and a misleading impression."

The main concern is this: the word "misleading" is something that would be unparliamentary if it were said in this House, and the member would be forced to withdraw that comment. It is my position that when a minister of the crown says the same thing—that something is misleading about an officer of this assembly—then in effect he's doing the same thing outside this House. That's what it all revolves around.

Specifically, the auditor asks four questions in his letter of December 6. It states:

"In summary I would appreciate if you could clarify to the Legislative Assembly that:

"The number of 10,000 was an estimate agreed to by your ministry at the time of the audit;" and the auditor says earlier that "The methodology used to estimate the 10,000 arrest warrants was presented in a briefing meeting with your ministry on March 8, 2002 and on March 12, 2002 and we received the ministry feedback in writing along the following lines...." and I could recite them, but they do not specifically disavow the number of 10,000.

Second, it states, "The CPIC number of 5,900 had never been communicated to my office"—namely the auditor's office—"and represents more current information which was obtained by you in November 2002."

Third, "I would appreciate if you could clarify to the Legislative Assembly that ... my report is not misleading, but you have more current information, which you wanted to provide to the Legislative Assembly and you and I agree that there are thousands of outstanding arrest warrants, many of which are for serious (level 1) offenders. Your ministry has made the commitment to act on this issue."

I'd like him to respond to that.

Fourth, "My report does not indicate that there are 3,000 serious offenders in our community being unmonitored." That's what the minister said in the House in response to my earlier question last week.

I want specific answers to the questions that are raised by the auditor in his letter. Now, I will say this: at 5 o'clock tonight I received a copy of a letter that is from the minister to Mr Peters, dated December 9, that seems to clarify some of the issues that were raised in his letter. I did receive a copy of this letter earlier. But my point is quite simply this—

**Mr Frank Mazzilli (London-Fanshawe):** You don't have one.

**Mr Gerretsen:** Excuse me; if you would let me continue. My point is quite simply this: to say an officer of this assembly is giving us misleading information in his auditor's report is something that is unparliamentary. It's not something that would be allowed in this House and it's something that, in my opinion, the minister should apologize to the auditor for.

**The Acting Speaker:** The minister has up to five minutes to reply.

**Hon Robert W. Runciman (Minister of Public Safety and Security):** I believe the letter that I supplied a copy of—it's directed to the Provincial Auditor—certainly explains my view with respect to the issues he and other members of the Liberal Party have raised. I think I certainly adequately answered those concerns. I answered them with respect to my responsibilities as the Minister of Public Safety. When a figure is published that could cause some concern amongst the public, I have a responsibility to address that. I did that, so I have no apologies to make in that regard.

I think it is unfortunate that this has been blown out of proportion with respect to the way it has been treated by some members of the opposition. I think it's a reflection of what we've seen in this House lately. We saw the Speaker commenting on it recently: a deterioration in the House. I had members calling for my resignation over doing my job. It's become all too commonplace for members opposite to call for resignations. I think the public recognizes that this is game-playing. It does not serve this place well.

I can recall my time in opposition. I spent 10 years in opposition, and I think in those 10 years, to the best of my recollection, I only called for the resignation of a minister on one occasion. That was for a Liberal Solicitor General going into a police station at 3 in the morning and making demands on the sergeant on duty that evening. Certainly, I think in the view of everyone in retrospect, that individual should have resigned and, ultimately, she did.

The things we hear across the floor today I think just fuel the attitude in this place; the lack of respect for members across the floor. One of the reasons I'm here tonight is that I believe in this place. I try to show it respect. I've certainly showed emotion on occasion, especially in opposition. We do feel deeply about issues, but I think we can continue to have respect for each other. We don't see enough of that in this place today. Certainly the public recognizes that, and I think that's reflected in public polling with respect to respect for all of us as elected officials.

Again, I'm going to be a little political here: I think one of the things they'd like to see is greater co-operation, and members of the opposition as well as members of the government talking about issues people care about. If you wanted to talk about law and order issues, perhaps this week we could have talked about the federal Auditor General's report on C-68, the gun registry: \$1 billion of taxpayers' dollars wasted on a useless, ineffective gun registry, which this government



fought vigorously on behalf of Ontario taxpayers—really on behalf of Canadian taxpayers.

I appeared before the Senate of Canada. The government of Ontario did significant research in terms of the implications of that legislation, what it would mean to taxpayers and what effect it would have in keeping guns out of the hands of criminals. We spelled that all out to the federal Liberal government back in 1995 and 1996, without the support of the provincial Liberal Party.

I may take this opportunity to put a couple of quotes on the record. This is from a gentleman by the name of Dalton McGuinty, from Hansard in October 1998: "I want to make it perfectly clear: I'm going to talk about gun control ... I'll be working with the ... federal government to implement universal gun registration in Ontario."

Dwight Duncan, from a Hansard of October 2000, said: "I support the federal government's gun registry."

Dominic Agostino said: "We believe the gun registry is a good law and this government should work with the federal government to enforce it, rather than fight it."

Those are the kinds of situations where we could have worked together and, rather than taking political stances, done what was in the best interests of Ontarians and Ontario taxpayers, especially those in rural Ontario, farming community people who have guns and shotguns which they use in the operations of their farms. Hunters—Mr Speaker, you and I share those kinds of ridings where this is a part of people's culture. We have, through legislation at the federal level, this true boondoggle, tried to criminalize honest, law-abiding citizens right across this country. Those are the kinds of issues we should be talking about and working together on.

**The Acting Speaker:** The motion to adjourn is deemed to have been passed. This House stands adjourned until 6:45 of the clock.

*The House adjourned at 1820.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Ancaster-Dundas-Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)		Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands / Kingston et les îles	
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Davenport	Ruprecht, Tony (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley East / -Est	Caplan, David (L)		Beaubien, Marcel (PC)
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel-Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lanark-Carleton	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Durham	O'Toole, John R. (PC)		<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Eglinton-Lawrence	Colle, Mike (L)	Leeds-Grenville	Wood, Bob (PC)
Elgin-Middlesex-London	Peters, Steve (L)		Mazzilli, Frank (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	London North Centre / London-Centre-Nord	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Essex	Crozier, Bruce (L)	London West / -Ouest	Sampson, Rob (PC)
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London-Fanshawe	
Etobicoke North / -Nord	Hastings, John (PC)	Markham	
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Mississauga Centre / -Centre	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance	Mississauga East / -Est	Marland, Margaret (PC)
			Snobelen, John (PC)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Mississauga South / -Sud	
		Mississauga West / -Ouest	



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	McDonald, AL (PC)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Northumberland	<b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Catharines	Bradley, James J. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
Oshawa	<b>Ouellette, Hon / L'hon Jerry J.</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement	Thornhill	<b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	Stewart, R. Gary (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Finance / ministre des Finances	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 10 December 2002

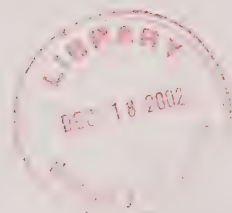
Mardi 10 décembre 2002

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 10 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 10 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### CONCURRENCE IN SUPPLY

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I seek unanimous consent to call orders 7 to 18 inclusive so that they may be moved and debated simultaneously.

**The Acting Speaker (Mr Michael A. Brown):** Mr Stockwell has asked for unanimous consent to deal with numbers 7 through 18.

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: I'm sorry, but I don't have my Orders and Notices paper. That's the one for concurrence in supply? Thank you.

**The Acting Speaker:** Agreed? Agreed.

**Hon Mr Stockwell:** I move concurrence in supply for the following ministries and offices:

Ministry of Health and Long-Term Care, including supplementaries

Ministry of Education

Ministry of Environment and Energy

Office of the Premier

Ministry of Intergovernmental Affairs

Ministry of Northern Development and Mines, including supplementaries

Ministry of Training, Colleges and Universities, including supplementaries

Ministry of Community, Family and Children's Services, including supplementaries

Ministry of Natural Resources

Ministry of Public Safety and Security

Ministry of Tourism and Recreation

Ministry of Enterprise, Opportunity and Innovation.

I propose that the time be split evenly among the three caucuses. I just threw that in.

**The Acting Speaker:** Mr Stockwell has moved concurrences. Debate?

**Mr Bisson:** I wish the member for Sault Ste Marie were here because he would have had this spot, but I'm here and I've got the spot.

*Interjection.*

**Mr Bisson:** I'm sure he does miss me. We have an opportunity. As the member on the estimates committee, I want to say, first of all, that I'm estimating because I'm

on the estimates committee, so I'm an estimator. Do you follow that?

Anyway, I want to leave a good part of the time to my good colleague and friend Tony Martin who today was working hard on behalf of the people of Sault Ste Marie defending their interests in regard to the Domtar mill. I want to put the government on notice that the move it's making vis-à-vis these changes they're doing to the Crown Forest Sustainability Act I think in the end are really wrong-headed.

Our government, when we were in power from 1990, introduced the Crown Forest Sustainability Act. When we introduced that legislation under Howard Hampton, the then Minister of Natural Resources, it was the intent of the legislation in the way it was drafted and also in the way we talked about it at estimates, and not only at estimates but at that committee and others—it was the idea of the government of the day, of the Honourable Howard Hampton, the then Minister of Natural Resources, that under the crown sustainable forestry development act we would issue forest sustainability licences to a mill and that mill would have the right, by way of the licence, to harvest the timber. It was the full effect of the legislation. What was then put in legislation, under the forest agreement, was any time a mill withdrew from the activity of being able to process wood in a mill, the ministry had to take into consideration the social-economic impact on the local community vis-à-vis the wood in the forest that was tied to the licence.

### 1850

Until just recently, I would say up until about three or four months ago, if you had a situation where a mill in community X decided it was no longer feasible for them to harvest timber in a particular area and process that wood inside their mill, the way the legislation was written, the licence would revert back to the crown and the crown would then have to open up another RFP process and decide who would be selected through the RFP process to get the rights to that licence to yet again process wood. In that RFP process, they would have to take into consideration the social and economic impact on a local community for what was to happen with that licence.

Let me say what that means in layman's terms. We now have a situation in Kirkland Lake, we have a situation in Sault Ste Marie with Domtar, we have a situation in Sturgeon Falls with Weyerhaeuser, which is the corrugated board mill that's there, where basically the government is allowing those companies to shut down their operations, take the licences that are tied to the



forest and is allowing those companies to divert wood to other mills they own in other communities.

I say that's wrong-headed because what you're going to end up with is a situation where a very few companies will have just a couple of mills to produce the bulk of the wood in northern Ontario from timber to dimensional lumber. Let me look at what it means for our area when it comes to Tembec. It is now the situation that Tembec basically controls all the sawmills except for a couple, from about the Cobalt area all the way up to Hearst. What that company is trying to do, in light of what's happening with the softwood lumber situation, is to say that if they were to shut down a couple of lines, or a couple of plants as it turns out, they would be able, under what the government is allowing them, to move the wood to other mills so that they can increase production in the mills left over and maximize the ability to make money to offset their cost because of the tariff they're having to pay into the United States.

This government is allowing that to happen and I say that's wrong-headed, because if we allow that to happen you're going to end up with communities like Kirkland Lake and others that are going to be left holding the stick. They will have absolutely no ability to get a direct benefit from the forestry activities around their communities.

It is my view, as a New Democrat, and I know in conversations we've had at caucus and the position of my leader, Howard Hampton, that the licences that are issued are tied to the local mills, and if a company decides it doesn't want to cut trees any more, they forfeit that licence, an RFP process starts, and somebody else steps up to the plate to operate that mill or to start up another operation that could benefit by the use of that wood somewhere near the community that's being affected. If we don't do that, we're going to see that Kirkland Lake and Sault Ste Marie, when it comes to Domtar and Tembec, are but the tip of the iceberg.

I say to the government that is wrong. I want to put you on notice that Shelley Martel, Howard Hampton, Tony Martin, and Gilles Bisson and other members of the NDP caucus are not going to stand by and allow this government to change the intent of the sustainable forestry development act and allow communities like Kirkland Lake and Sault Ste Marie to get the shaft while these companies decide they're going to move the lumber off to another community.

If it means, as my good friend Mr Tony Martin says, "Come on, I'll take you on," we're prepared at the NDP caucus to take you on because we believe it's important that somebody advocate for those communities. If the Conservative cabinet ministers such as Mr Ouellette at MNR and Mr Wilson at northern development are not willing to advocate at the cabinet table to defend those communities, I can tell you that we as New Democrats will advocate on their behalf and we will do everything we can to stop the move that's happening.

I think it interesting to note the position the Liberals have taken on this, because I don't think we should allow the Liberals to get off the hook entirely on this. We have

a situation that's happened with Kirkland Lake vis-à-vis the mill up in Kirkland Lake with the closure of the Tembec mill and what's happening with Weyerhaeuser. It's interesting to note that the Liberals on both of those positions are always going to the rallies and saying, "Workers, we're with you. We stand behind you." But when it comes to showing the proof of the pudding of where they're at, they always stop short of taking the necessary position to fix the problem, which is not to allow these companies to take off with the sustainable forestry development licences.

I was at a rally in Kirkland Lake not too long ago and I spoke to the workers at that mill. It was interesting to note that although Mr Ramsay as a local member is trying to do something in order to advance the situation of those workers, he stopped shy of saying that the licence shouldn't be transferred. It think that's wrong. I think Mr Ramsay as a Liberal should recognize that he must represent the community of Kirkland Lake and the workers there. He should take the position, as we do as New Democrats, that the licence is tied to the mill and that the MNR should not be allowed to transfer those trees off that licence to a mill in Cochrane or Timmins. I think that's wrong-headed.

Now, the government and Mr Ramsay hide behind the fact that if the government were to take the position that we advocate, the people harvesting the timbers would be out of work. That's true. Those people who are harvesting the timber would be temporarily put out of work by the decision that we would make as a government not to allow that licence to transfer the wood to Cochrane or Timmins. In the longer run, that would force Tembec to make a decision. I think the decision they would make in the long run would be a better thing for the community of Kirkland Lake. They would either have to decide they were going to keep the operation going, at which point the forestry workers and the sawmill workers would be at work, or they would have to decide to sell off the mill. If they decide it's not profitable for them to hang on to the mill for whatever reason, it would start a process by which somebody would have to look at the purchase of that mill. The workers could organize, as they did in Kapuskasing, Sault Ste Marie and Thunder Bay, to do a worker-ownership buyout if no future employer were to come to the table to purchase the mill, or maybe there are others who are prepared to take over the mill, as is the case in Kirkland Lake.

I say to the Liberals, it's really interesting that you take a position where you say you support workers, but when it comes to showing your mettle or, quite frankly, that you're prepared to do what it takes to defend the workers, it's basically a speech with no substance in it.

I was at the Weyerhaeuser mill on Friday for the announced closure, what's happening with the mill, and there it's a bit of the same situation. Weyerhaeuser, which has operated that mill for a number of years, has decided it's going to close up shop, shut down the mill and basically put 230 people out of work in the community of Sturgeon Falls. As a result, that community is going to be hard done by. Those workers are going to be

displaced, and how they rebuild their lives after such a closure is difficult. I've seen that in various communities around the north and how problematic it is.

Anyway, we took a position and I brought the message of my leader, Howard Hampton, to Sturgeon Falls when I was at the rally on Friday, and I thought it was rather interesting again to watch both the federal Liberal and the provincial Liberal take their positions. Mr Serré, who is a Liberal who sits in the government of Ottawa, said, "Workers, I'm with you. I will fight for you all the way." He said all kinds of nasty things about Weyerhaeuser, but when it came to saying what his government, the federal Liberal government in Ottawa, is prepared to do to really stand up and protect the workers, he said nothing. It was platitudes. It was, "I stand with the workers and I'm here with you today."

Well, where does that bring you? How do you buy a cup of coffee with that? Basically, they are the federal government and there are certain things they can be doing in order to try to get Weyerhaeuser to deal with some of the issues that CEP has been trying to get the employer to deal with.

For example, Weyerhaeuser has taken a position originally, as of Friday, that they would not allow anybody else to buy that mill. They wouldn't sell it and be in competition with the new owner of that mill. If I had been the federal member from Ottawa in the government, I would have gone there and said, "You can count on the federal government to take a look at the whole issue of what this means in regards to the Competition Act federally, and I will do everything I can in my power as a government member in Ottawa to make sure this company does something that's positive for the workers." All the message you got from the federal member, Mr Serré, was, "I'm here. I'm with you. I stand behind you. And by the way, once you're all unemployed, you'll get extra money in order to do skills training." Well, tell that to the worker who has been in a mill for 30 years. It's not very welcome.

When Mr Ramsay stood up to speak, his speech was even shorter. It was, "I'm here. I'm with you. I stand behind you and I'll fight all the way."

It took a New Democrat—myself, Gilles Bisson—to go there on behalf of my leader, Howard Hampton, and say, "Here's what you do: we have the control of the water rights on the dam that is tied to the Weyerhaeuser mill. We, as a party, take a position through our leader, Howard Hampton, that the Ministry of Natural Resources should cancel the water rights on the dam. If Weyerhaeuser wants to close up the operation, it is our view that the licence for the power dam should be cancelled and not be allowed to be in the control of Weyerhaeuser, where they shut off a mill, put 230 people out of work, and then make oodles of money by selling power in an inflated market vis-à-vis the deregulated hydro market in Ontario."

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It is interesting to note that when I was there and made that comment, the people there—I wasn't surprised the

workers were really onside—some of the business people who were there at the rally as well said, "Gilles, it's interesting that it's a New Democrat that comes and puts a solution on the table which would give the community some real bargaining power in order to force Weyerhaeuser to sell that mill and allow somebody to come out and buy it." The media reported widely across northern Ontario the comments I made on behalf of my leader, Howard Hampton. As a result—surprise, surprise—we find out today by way of a press release that Weyerhaeuser is going to entertain the idea of being able to discuss the sale of the mill to someone else.

So I say, "Victory for the New Democrats." It took New Democrats going to Sturgeon Falls and saying—because the Liberals wouldn't do it—that we're prepared to use the levers of government, if we were there, or to force this government, if they're willing, to stop the water rights, to put some pressure on Weyerhaeuser so that they, at the end of the day, are forced to sit down with the workers and the community to try to find a solution. It is interesting to note that there has been some movement, so I have to think the government must have been listening to what my leader was saying through me. The government maybe had a bit of a change of heart; I don't know. I have to hope that's the case.

Weyerhaeuser all of a sudden said, "Whoa, we don't want to get into that one." So, yes, we're prepared to sit down with the workers and the community to sell the Weyerhaeuser mill to a new owner and we will facilitate that process if you can find one. It is interesting to note that there is a potential investor in the United States who is prepared to take a look at the Weyerhaeuser mill. Let's hope that comes to a successful conclusion of negotiations and we're able to save all of those jobs in Sturgeon Falls.

But I make the point that it wouldn't have happened if New Democrats weren't there. It took New Democrats in all of those instances—Kirkland Lake, Sturgeon Falls, Sault Ste Marie—to be there and to say things that are bold and to say to some of these companies, "Listen, it's not a question of being anti-corporation; it's a question of saying that you have to balance off the needs of the corporation with the needs of the local economy." If it means that to protect those jobs in Kirkland Lake, Sturgeon Falls or Sault Ste Marie it takes a government saying, "We're not going to transfer water rights and allow Weyerhaeuser to leave with the water rights on that dam once they pull out," or cancelling the licences of both Tembec and Domtar on those mills that they want to close down in Kirkland Lake and Sault Ste Marie, so be it, if that's what it takes to get these companies to do the right thing.

Now, I understand why Tembec is doing it. I feel a little bit odd, because I have a lot of good friends in the management group at Tembec—people like Pierre Corbeil, Martin Michaud and Frank and others whom I know quite well, I know are quite upset at the position I am taking. They are very upset that as a local member in the area I'm taking the position that Tembec should not be allowed to transfer the wood off the Kirkland Lake



licence to Cochrane and Timmins. I understand that they are mad at me, but I think they understand where I am coming from. They say, "Gilles, we don't like it. Gilles, we think you are wrong, but we know which side of the debate you're falling on. You're falling on the side of the communities and the workers."

I can tell you, any time that you have a New Democrat representing you, you'll know that we will do what is right in our hearts when it comes to protecting workers and protecting local communities. I think the record speaks volumes. The record is: when it came to Kapuskasing and other communities that were down—I was waiting for that note—basically that we would do so. So, I look forward to the comments of both my good friend Mr Martin and Mr Christopherson, who want to speak on that, and I look forward to the rest of this debate.

**The Acting Speaker:** Further debate?

**Mr Steve Gilchrist (Scarborough East):** On point of order, Mr Speaker: I would just like to draw to the attention of the members here today that we are joined in the visitors' gallery by three individuals. We have Angela Sciberras, Brad Rogers and, of particular note, we have a daughter of a former Premier of Ontario, the honourable Bill Davis. Meg Davis is joining us here today for the first time as an adult back in the chamber. Welcome, all, to the Legislature.

**The Acting Speaker:** Of course, it is not a point of order, but we welcome you. Further debate?

**Mr Gerry Martiniuk (Cambridge):** I'm pleased to speak on concurrences this evening. If I could, for just a couple of minutes—I'm sharing my time with the member for Nipissing and the whip for our party. If I may deal with the Ministry of the Environment 2003 operating budget, there has been a substantial percentage increase during that period over last year's budget of 12.9%. Remarkably, since the year 2000, staffing at the Ministry of the Environment has been increased by over 350 positions. That represents an increase in staffing of 23.6%. Then on June 17 of this year, this government committed to invest \$500 million in the next two years to implement and enforce safe drinking water initiatives. This year alone the government will provide \$245 million toward ensuring safe drinking water.

**Mrs Sandra Papatello (Windsor West):** I'm very happy to participate in the debate tonight, despite this cold. I hope you'll indulge me.

I wanted to speak about health matters, as I usually do, and in particular how they affect the riding of Windsor West and all of Ontario, which is undergoing tremendous change in the health field, and our constant disappointment at watching the number of announcements that we've seen, especially in this session, but when we actually look to the action plan, we're always left wanting. There are more and more examples of this every day.

It's certainly no different now than when we started in 1995, to be continually disappointed. But what began as this wonderful manna from heaven come down in the name of a restructuring commission that was going to go across Ontario and change the way we deliver health

care—almost eight years later we are looking at the debacle of the Health Services Restructuring Commission's implementation plans for Ontario; namely in the area of 75% of our hospitals suffering significant debt, and that being used as an excuse, when up to 19 of our hospitals are waiting desperately for MRIs and CT scans only to be told, "No, you need to take care of your fiscal situations before you would ever get approvals."

In the meantime, the government, in their latest scheme, decided to announce private MRIs and CTs, put out a request for proposals for that and we get a list of some 250 pages of rules on how these private companies can come forward that will create—as they did in Alberta, which this government is using as the model—two-tier health care in Ontario, to create an opportunity for people who can afford to move ahead in the system to jump the queue. If they don't jump the queue in that diagnostic setting, they manage to get in the side door to get that diagnostic test. As soon as that diagnostic test indicates that intervention by the health system is required, guess what? They move to the front of the line for their services to determine and to do something about their problem as well. So it's queue-jumping right through the entire system.

But tonight I wanted to specifically publicly extend an invitation to the environment minister to come to the riding of Windsor West. We have asked the minister personally. We've put a letter of invitation in writing. We're told now that this minister will not come to Windsor West. Why would a Liberal MPP invite the Conservative Minister of the Environment to Windsor West, in particular to Sandwich Street, which is in the west end of the riding? There is a home there. It's an area that is the oldest, most populated town in Ontario, known as Sandwich Towne. In this area, there is a home that is near a factory that put in a new machine. When they put this machine in the factory, they probably didn't dig a ditch that was deep enough to fit the machine into this factory, and every time they run the machine, a number of houses in the area shake.

A lot of people know that they live in an industrialized area, that they're going to have various issues because it's in their neighbourhood. But we got a call from this particular family who had gone up and down and every which way to work with the environment ministry to say, "Look, somebody has to help us here because our house is shaking."

Let me tell you that this problem has been going on for years. By the time they called our office and we started investigating and looking at the paper trail here, we see that the family has done everything right, everything they were told to do, following all of the paths that were to be taken, working with the environment ministry staff to do the right kinds of tests. All of that was done, and if you can imagine, the ministry people came back to tell this family there's nothing wrong, that there are no limits that are being exceeded here on these various tests.

**1910**

Well, it's hard to believe. So off I went to this home—a wonderful family on Sandwich Street. I went into the

home, and we had to be sure that it was a time that there was a shift when the factory was actually running the machines. We went up, we took a glass of water and we sat it on the desk. We sat it where the family typically has the computer running and where they'll be doing work. You could watch the water moving in the glass. Imagine what the home or the foundation might be like after several months even, never mind years, of a factory shaking the houses in the neighbourhood. It's pretty hard to imagine.

So I came back to the minister here and I said, "You know, Stockwell, you just couldn't imagine that people are living in this environment and that there's nothing that we can do about it. Could you please just go back to your officials and ask them to do a complete review, independent staff other than those that have been working with his family continually? Put a fresh pair of eyes on this file and see what you can do, because this can't possibly be OK. It can't possibly be OK to have a neighbouring industry create this kind of friction, literally, in the neighbourhood, and no one can do anything about it."

Today, we hear again that the minister doesn't want to come and visit the house. They've done some kind of cursory review, and everything is just fine. You know what? I think that's terrible. I think that's irresponsible. I think it's responsible for Stockwell to stand up and say—look, if you're so confident about the work that your officials did, you shouldn't have a problem coming to see the condition these people have to work in; people who work hard for a living. They pay their taxes. They've done everything the right way, and we can't get anybody to turn around and say, "You know what? There's something about this system that's not fair."

I'm embarrassed that the minister doesn't want to come to Windsor. Now that he's here maybe he'll stand up for two minutes and tell us why he doesn't want to come. I have begged, and I want the people who live on Sandwich Street to know that I am prepared to beg to have the minister come to Windsor. I'm not embarrassed to beg, because I think it's important that if the Ministry of the Environment officials are confident about the work they've done on this file, they won't mind coming and proving it to me.

If I hadn't watched the water literally shaking in the glass—the people in this home have filled the house with various gadgets to stop things from moving. The china cabinet that sits in the dining room, where the glass panes are literally parallel with each other, they've got it jammed with cardboard so that the glass won't continually shake for the entire shift that the factory is running this machine.

You have to ask people. Can it possibly be appropriate that Ministry of the environment officials wouldn't say, "You know what? I think this needs another view. I think this needs a fresh pair of eyes on this file." I think it's totally appropriate that the environment minister would want to do this for this family that has paid taxes for a long time. If this doesn't work in terms of public embar-

assment, maybe you have too much work to do, Stockwell. Maybe you have too many things on your plate that you can't bother with an essential part of your portfolio in the Ministry of the Environment. Maybe the House leader duties are just getting a little bit too much for you and you might have to give a little bit up.

The reality is that you're trying to get us out of the House by December 12—every year we're here practically until Christmas Day—so you get a bonus several days here. I'm asking you, the hour it takes to fly to Windsor, the half hour it takes from the airport to drive to Sandwich Street, probably one hour to go through this; we'll pick a time when the factory is actually running a shift. You can be back on an airplane in a two-hour period. Then you can talk to your Ministry of the Environment officials and say, "You know what? I went to the house on Sandwich Street. The water is shaking in the glass. This can't be appropriate that our ministry can't do anything for this family. I think it's totally inappropriate that you would respond in this manner."

I could go on about health care, and I know I'll have an opportunity to do so, but I hope this minister is completely embarrassed. And yet again I will end by saying that I extend a personal invitation to this minister to visit this home with me on Sandwich Street.

**Hon Mr Stockwell:** What I want to say to the member opposite, whom I know to be a very honourable member who works very diligently—

**The Acting Speaker:** Order.

**Hon Mr Stockwell:** Damn, I moved it. I can't speak.

**The Acting Speaker:** You're out of order. Further debate?

**Hon Mr Stockwell:** On a point of order, Mr Speaker: May I seek unanimous consent to speak briefly to this again?

**The Acting Speaker:** The minister has asked for unanimous consent.

**Mrs Papatello:** On this issue.

**The Acting Speaker:** On this issue. Agreed.

**Hon Mr Stockwell:** I know the member opposite to be a very honourable member and I certainly would not, in any way, shape or form, suggest for a moment that her dramatization of the issue is incorrect. All I can suggest to you is that the member brought this to my attention—and I appreciate that—a week or so ago, maybe a little longer—OK, a couple of weeks ago. I'm not going to debate—

**Mrs Papatello:** It has been four weeks.

**Hon Mr Stockwell:** OK, four weeks ago. I'm not going to debate the time period. I requested the ministry staff to forward me all documentation. The ministry staff forwarded me all documentation. There were three tests done in the house, and they all passed the minimum requirements with respect to shaking. I think odour was another one, and there was a third one. You may help me recollect.

At that point in time, the member came to me and said, "It's terrible. You should probably send someone else in," and I said to the member opposite, "I will give



you my undertaking to send someone else in." I thought someone else had gone in and done the test, but apparently not.

I promise you that I will go back to the ministry first thing in the morning and I will insist that a different person go out to Sandwich Street, a different person inspect the site and a different person determine whether or not it contravenes any legislation or acts that I have control of. If it shakes too much and contravenes it, I give you my undertaking that I will be on it like white on rice to ensure that that is in fact looked after; if it's not and if it doesn't meet those standards, I'll report back to you.

There is very little I can do out there. I'm not an expert on shaking houses. I know of no poltergeist special process to get houses to stop shaking. I'm not suggesting for a moment that this person doesn't have a legitimate complaint, but I guarantee you—an absolute undertaking as I stand before you today and swear to my mother in Bowmanville—that I will get so much more staff out there to inspect this house that you will be sick of the Ministry of the Environment around this house by the time this is done.

**Mrs Papatello:** Before Christmas?

**Hon Mr Stockwell:** I'm busy before Christmas, to go myself, but I guarantee you they will be there before Christmas—guaranteed.

**The Acting Speaker:** Further debate?

**Mr Tony Martin (Sault Ste Marie):** That was a commitment cast in stone that I heard here just a few minutes ago. It's done.

*Interjection.*

**Mr Martin:** I know you are.

I appreciate the opportunity this evening to put a few thoughts on the record. We're speaking to a process here called concurrence, where we agree as a government, as members of all three parties in the Legislature, to pay the bills that government needs to pay to do its business, to cover the cost of—and the member from Renfrew is here to speak on concurrence too, I would guess.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** No, I'm just here to welcome you back.

**Mr Martin:** Thank you very much. Yes, I got uncereemoniously, or ceremoniously, removed from here this afternoon.

**Mr Conway:** It's like Dag Hammarskjöld getting a penalty.

**Mr Martin:** Thank you. Dag Hammarskjöld getting a penalty? Not bad.

**Interjection:** You're moving up in the world. You're doing pretty good.

**Mr Martin:** It gets me set for my speech.

This is a unique opportunity in this place to speak on some things that members feel personally concerned about or interested in in terms of how we deliver government services, what government should be about and what it is that we as a society should be about in relation to how we govern each other and how we collect resources and spend those resources.

A colleague of ours in this corner of the Legislature—all nine of us—Mr Romanow, a previous Premier of Saskatchewan, just travelled the country for quite a while doing very intensive research on how we deliver health care in this province. He delivered a report, and in that report he referred to values. He talked about Canadian values.

I'm going to take about 11 or 12 minutes here and then I'm going to turn it over to my colleague from Hamilton West, who will also speak to whatever it is that's on his mind and in his heart tonight where concurrence is concerned.

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I want to talk just for a few minutes about Canadian values, because it's something that's close to my heart. It's actually one of the reasons that I chose to run for government, to participate in public life in the way that I do, and that I feel Canada, the country that we as a family chose to come to and live in some 42 years ago from Ireland has become such a special place. It is at a point in its history where we now make decisions that will either take us further down that road to developing the kind of Canadian value that I'll speak to here in a second, or in fact turn over the direction of our country and the life that happens in the communities that populate this country, the ability of citizens to participate, to that which is practised south of the border—our American brothers and sisters, our cousins or whatever.

Certainly we see very clearly, I believe, two approaches to how a country develops and supports itself and works within its constitution to develop its character, its personality and to support and protect one another. In the United States we have, because of its history and where it came from, a very individualistic approach to life, a tremendous dependence on what a person can do for himself and what a person can do in terms of industry and private sector activity, private sector enterprise, commercial activity. We in Canada have tried to find a mix because of, I suppose—and I just go back to my own experience of coming to Canada and learning to live here—the challenges we face this far north in the hemisphere, with geography, with distance, with weather. We decided that we would be better served if we acted out of and into community, if we worked together, if we pooled our resources, if when our neighbour found himself in trouble, we reached out and assisted and, in turn, that favour would be given likewise in time of some challenge and some difficulty.

It's a way of life, a way of ordering the communities that we live in, a way of doing business that I believe is particularly Canadian. We, as a government, as a people, levy taxes on each other, decided in a democratic fashion, collect those taxes and then spend them on some basic services that we feel should be available and accessible to everybody who calls this province and indeed this country home. We have, over a period of years, decided that there were some fundamental things that needed to be in place. Life has evolved for us as a people. As the population of the provinces has grown, as industry has

grown and as opportunity has grown, and with it the challenges that come with that kind of growth set upon us, we decided that there were some very basic and fundamental things that needed to be in place if we were going to continue to respect the quality of life, the standard of living, the dignity that exists within each community and with each individual, and if we were going to support that, and if in doing that, if we were going to be able to take advantage of further community development that can happen as we travel our journey together.

We decided that, for example, no family or individual should be put into crisis financially because somebody in the family or themselves got sick, and so we brought in a medicare program, first introduced to Saskatchewan by the leader of the New Democratic Party government in that province, some 40 or 50 years ago. Then, from there, because it was such an important thing to do for all of the people of Saskatchewan, he felt it should be done for all of the people in Canada. In partnership and co-operation with the Liberal government of the day and, I believe, leadership given by people like Lester B. Pearson and Pierre Trudeau, we then developed a Canada-wide health care system—we refer to it as medicare—a system that had attached to it some very basic qualities such as universality, accessibility and affordability, and ultimately the provinces across the country bought into this, as did the province of Ontario. We moved very aggressively, and I believe very courageously, to get rid of any premiums that families or individuals might have to pay who weren't fortunate enough to have a benefit package at work that would cover such a cost for access to the medicare system. And so we prided ourselves in being able to provide that service to everybody.

But in the last few years in this country, I believe a right-wing wind has blown in from the United States, driven by the Republican effort there to highlight some of what they see as defining qualities of their society, and to bring them into Canada, that we should be charging people for more services, that we should be turning more services over to delivery by the private sector and that we should be diminishing and moving government out of the way. I suggest that hasn't served us very well. I don't think there's anybody in this place who can honestly say, as they look around at the circumstance that their families and neighbours find themselves in, that we are better off now than we were five or 10 years ago where health care is concerned.

I would suggest that if you looked at education and how it is that we also deliver hydroelectricity in this country and this province, you'd probably be able to make the same arguments, that we're not better served some ways down the road to a regime that would see more private interest involvement in the delivery of those services, to a regime where we would see less government leadership and involvement and investment in those services, and to a regime where government wasn't involved at all to that end. I think we have to really analyze and consider where it is we are now, how it

compares to what it was like five or 10 or 15 years ago, and what it is that we want to leave for our children to come, for future generations.

I suggest to you that if we are being honest and if we are in contact with the people whom we purport to represent here, and we listen to them very carefully and we look at what it is that Roy Romanow has said in his report and the Canadian values that he highlights, we will make some very different decisions and choices as we compare them to the agenda and the decisions and choices that the government across the way have made.

See, the government across the way, the party across the way, and right-wing governments in this country will tell you and try to convince you that we just cannot afford a first-class publicly funded, publicly delivered anything in this province and in this country. I suggest to you that they're dead wrong, that in fact it is in investing in and finding the money to support those public systems that we generate the kind of new resource that is required to enhance and develop further and create exciting opportunity for communities and people across this country.

You know, a lot is made of the fact that from 1990 to 1995, when we were government, we ran up a fairly substantial debt, and we did; I don't deny that for a second.

It was because in those five years, we were living—and anybody who's being honest will agree—in one of the most difficult recessionary periods of our history. We had to make a choice as government whether we were going to simply lay off people in the public sector, which we had the power to do, considering the spinoff effect of that on to the communities where these folks work and live. We had to make a decision whether we were going to cut the services that were in fact more obviously needed in difficult times than in good times, or whether we were going to borrow money to keep those services in place, sit down with our partners in the public service and find unique and different ways to handle matters.

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We chose a way that, yes, initially caused some anxiety and concern even within our own ranks as to where it was we might be going, but we did that with the confidence that this province and this country had an economy that was strong enough to see that through and to have us come to, say in the year 1995, a position then with a renewed economy happening worldwide and, yes, in the United States and Canada, and more revenue coming into our coffers to deal with the debt and the deficit and to continue to make the investments that were required and obviously continue to be required if we are going to have our health care and education system, and if we are going to provide public energy to people, so that we will be able to invest in the kinds of new infrastructure that is obviously needed from time to time in those particular areas.

We had a plan in place, and we took it to the people in 1995. Alas, we weren't successful in convincing them that if we were sent back to Queen's Park to govern,



within a couple of years we would have balanced the budget, we would have begun to pay down the deficit and the debt, and we would still be able to continue to invest in those public services that define so clearly who we are together as a community of people and how we serve each other in Canada.

But what we got, in turn, was a government that believed that government needed to get out of the way, that we needed to turn over public services for delivery by the private sector, that we needed to make sure that red tape and regulations were removed, and that we should be turning over a lot of that very important money that we were getting by the renewed economic activity that was happening out there back to the private sector by way of tax breaks. Alas, we find ourselves in a position where, even this afternoon, we get a report from a gentleman who was contracted by the government to look at the formula that we use to fund education. He says that we're, at the very minimum, short some \$1.7 billion to \$1.8 billion in the system. We, as a party, suggest that this government should take some of the money that they are experiencing now by way of surplus and invest it, at least \$1 billion of it, immediately into the education system before we lose it completely.

I will end my thoughts there this evening and suggest to you and to the folks in the chamber and the folks out there that we really do need to—as we move into the holiday season now, as we move into that time of the year when people of all faiths take time to step back and reflect—reflect on what it means to be Canadian, reflect on those values that Roy Romanow has laid out in his report and reflect on how it is we want our government to act on our behalf.

#### **The Acting Speaker:** Further debate?

**Mr AL McDonald (Nipissing):** It gives me great pleasure to speak tonight on concurrences. To all of you who are watching at home, really what we are talking about is budget items and estimates. I can tell you that the galleries are overflowing with individuals who are very interested in our topic tonight. I'm surprised. They should really sell admission tickets. We could probably balance our budget even better with all the people who are sitting here watching tonight. It's a pleasure—

#### *Interjection.*

**Mr McDonald:** Shh, it's my turn. It is a pleasure to be here from the great riding of Nipissing and speaking to many of the individuals from my riding regarding things that happen in government and happen in Queen's Park from day to day, it's really interesting to hear what they have to say. In speaking with some of these individuals, one of them who comes to mind is Rick Ferron, a retired principal of Sunset Park Public School, who really spearheaded the Early Years for children program in our area. He has done just a tremendous job for us. It helps young children as they go into the school programs. It has shown that they do better than the students who don't really get exposed to that. He's a great individual in our riding. He lives in the city of North Bay.

I can think of John and Layla Krieg. I believe John is an engineer. I'm not too sure what type of engineering he

does, but I know that he donates a lot of his time to charitable work, to helping kids out and to helping his community out. He's just a great individual.

Ralph Celentano, I believe, is a past distinguished president of the North Bay Kiwanis Club. He always seems to be in the middle of everything that's going on. He's just a great community leader.

When we were losing our Junior A team last year, there was an individual who jumped up and joined in trying to spearhead to keep the team here. His name is Ray Irwin. He was actually part owner of another OHL team, and he was willing to give up that part ownership in the team to buy into the North Bay Centennials to try to keep them here. Unfortunately, as the community of North Bay and area and my riding of Nipissing know, they actually moved to the United States. We were heartbroken that not only did our area lose the team, the Ontario Hockey League lost a team to the United States. We didn't necessarily agree with that.

I can think of friends of mine. Wayne Poeta is a retired police officer who worked with children, worked with youth in trouble, and really took me under his wing as well when I was younger. His family, his kids, John, Bob, Sue, Dwayne and Micheline, are personal friends of mine. I treasure their friendship. I think of Bob Poeta, who is just a young businessman who owns his own backhoe. I know he works night and day to make things happen for him and his family.

There are a couple of councillors I wanted to point out because I know they're really concerned about safe drinking water. I know they campaigned on it and balanced budgets and health care. One of them who comes to mind is Mike Anthony, who is just a young fellow. I believe he's the youngest councillor in the city of North Bay. I don't know if he's the youngest ever, but he's very young. In the first year he was learning the ways of municipal government, and I had the opportunity to work with him. He was one of my colleagues. I can tell you that the people of North Bay are served very well by this individual who really takes his jobs seriously. He reads all the work and makes the best, informed decision that he can with the information that's given to him.

Another councillor who comes to mind actually used to sit right beside me, Councillor Peter Handley. He was a well-known radio announcer. I think his famous line was "A good sport is good for sports." He's kind of well known in our area.

Another councillor I can think of, who was very strong in the financial side of the decision-making, was Councillor Peter Chirico. I know from talking to this councillor that he watches Queen's Park quite a bit when he comes home from work. He's probably watching right now the debate that's going on regarding budget items that I know he's concerned about. All I want to say to Councillor Chirico is, "Get a life." I'm just kidding, by the way. I think he could just get on with his family and go out and enjoy the winter that's up there, because there's a lot of snow and it's pretty cold in our area right now. I say that jokingly, Peter. I know that he watches quite a bit.

We have a very special individual, not just in North Bay and Nipissing, but I believe he's probably an outstanding ambassador to northern Ontario, who just seems to be everywhere, doing everything, lending a hand, raising money for churches and school groups and helping out with festivals. His name is Ted Hargreaves, and we like to call him Mr North Bay. He was like a mentor to me. I followed what he was doing, and he helped me so much when I was joining all these different groups and volunteering. He got me involved in the Heritage Festival, which is just this wonderful festival in our area that draws about 150,000 every August civic weekend. I invite all the members on the other side to come to our area next August and enjoy the Heritage Festival.

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I've also had the opportunity to work with Jack Campbell. Jack Campbell is Ted Hargreaves's partner at BDO Dunwoody. For anybody watching from Nipissing tonight, Jack Campbell is this unbelievable individual. When he starts laughing, you have to laugh with him. He's that type of individual. I just want to say hello to Jack tonight if he's watching.

I'm very proud to be the representative from Nipissing. I think it's important that I share my thoughts on what these individuals do for our area so the whole Legislature and the province of Ontario understand how great an area we really have and how these individuals make our area that much greater to live in. It's just incredible how great Nipissing is, how great North Bay is, Mattawa, Trout Creek, Callander, Powassan. These are all great communities, very caring communities, where if anybody needs a hand, they're the first ones to reach out; if it's to write a cheque to help a family out or if somebody needs shelter or to help the Santa Fund. They're just unbelievable individuals.

I want to speak about another individual. We call him the unofficial mayor of North Bay: Carmine Ricciuti. He owns a tailor shop downtown on Main Street. He's well known. He's a fixture down there. If you walk down the street, he'll be the first one to greet you with a big smile. He plays the accordion. I think on December 20 at Twiggs Coffee Shop, which is just up the street from his shop, there's a fundraiser going on that will raise funds for the Santa Fund, which helps families in need, those less fortunate than us, so that they may have toys for their children, a turkey and some gifts for them. I think that's a great initiative, and I want to invite everyone out. I know Scott Clark and Katherine Murphy do a great job hosting this event in the morning. It lasts a couple of hours. It's live on Easy Rock. It's just a lot of fun. He gets up and does his accordion thing. It's wonderful.

There is a tailor I must say hello to. Vince, I will be in next week to pay my bill. His name is Vince Orlando, and it's Orlando's Men's Wear.

**Mr Rob Sampson (Mississauga Centre):** Did he do that suit?

**Mr McDonald:** This is one of his suits. Yes, Mr Sampson, it is one of his suits. He's actually calling me

and saying, "We need to get you some more suits. Please come in." He's quite a salesman.

Mr Gerretsen, I invite you to go over and visit Vince. He's just a tremendous tailor; you too, Mr Bartolucci. If you make that nice trip from Sudbury over to North Bay—it's only about an hour and 20 minutes if you don't speed—I invite you to come over. I'd be happy to share the area with the member from Kingston and the Islands and the member from Sudbury.

*Interjection.*

**Mr McDonald:** Tom Mason: I can tell you, Mr Bartolucci, Tom Mason, who plays the bagpipes and has a very thick accent, would be happy to pipe you in all the way into North Bay. We'd be happy to have a reception for you. Maybe take Highway 11 up, Mr Bartolucci, because there's only about 47 kilometres left.

**Mr John Gerretsen (Kingston and the Islands):** Four-lane it.

**Mr McDonald:** We're about seven years away, and hopefully we can speed that up to make it three to four. We're working on that. Infrastructure in northern Ontario is very important not only to economic development and tourism but also to the safety of our residents who have to travel that highway between Toronto and North Bay. The distance seems to be getting shorter as the four lane evolves. I know it's about three hours and 20 minutes now to Toronto, and it's a very nice drive. So I want to invite all those who are watching in southern Ontario, by all means. Take Highway 11 to northern Ontario, and you'll see some incredible scenery.

There's an individual I had the opportunity to co-chair an event with, and her name is Cindi D'Agostino. We did a fundraiser for the Capitol Centre. Culture and the arts are very important to the members of northern Ontario and in my riding of Nipissing. She did an unbelievable job. We developed this play where we had all the community leaders go on stage and they were actors or actresses for a night. It was well-attended. I believe we had about 500 people out. We raised \$30,000 for the Capitol Centre to keep their budget going. It was just an unbelievable night. I had a lot of fun. The credit really goes to Cindi, who did all the work. I was able to stand beside her and take half the credit. I just want to say hello to Cindi and her family. They might be watching tonight as well.

In speaking about that play, it was all about our area, Nipissing. An individual by the name of Patti Fedeli, who is just an incredible playwright, is a resident of Callander. She's married to Vic Fedeli, who everybody in that area knows has done so much in the ABPC. He created this aerospace industry. Patti Fedeli should be in Hollywood. She wrote the play *Shotgun and Shadflies*. It's a true story about our area, an escaped convict who got away for many years back in 1975 and was finally caught. She did a whole screenplay on it. It was well-attended at the Nipissing Stage Co. She actually wrote the play for Cindi and I, *Northern Overexposure*, which was really a comedy about ourselves. We had to laugh at ourselves. We made fun of ourselves, and that's what made it very special.



I want to say hello to Marc and his wife, Peggy O'Connor, who live in Callander. They're good friends of mine, and I want to say hello to them. Being down here in Toronto, and we're here till midnight—I just want to say to everyone watching that tonight we're here till midnight. Some of you might go home early, and that's OK. We're happy to serve on this side of the House. We're happy to stay till midnight tonight.

**Mrs Marie Bountrogianni (Hamilton Mountain):** So am I, although it's my birthday.

**Mr McDonald:** Yes, that's right. Happy birthday, by the way.

We're happy to stay till midnight because we're serving the people of the province of Ontario, and I'm pleased to represent the area of Nipissing. Midnight is a long night. That makes for a long night. We're in here—I think we start at 7:30 tomorrow morning, but that's OK.

*Interjections.*

**Mr McDonald:** They're asking about the Heritage Gardeners now. I can hear them asking. They're saying how beautiful North Bay is and the waterfront.

*Interjection.*

**Mr McDonald:** I'm being asked to speed my little speech up. Whip, you're telling me three or four minutes. I have a few more people I want to say hello to, so I hope you'll indulge me for a little while.

**Mr Sampson:** There's no one left in North Bay to say hello to. You've said hello to everybody.

**Mr McDonald:** I haven't said hello to everybody yet. Everybody watching in Nipissing is enjoying this, I can tell you. They want to hear more about the people of our area. I'm going to keep talking till the whip or the Speaker turns my mike off.

I started with the Heritage Gardeners, which I heard from across the floor. Two of them are Wanda Wallace and Harriet Madigan, who head this group of volunteers. I think there are about 400 of them. They plant flowers and trees all down along the waterfront. They're all volunteers. You see them all summer long making adjustments.

Mr Whip, I will wind it up as quickly as I can. I have just a few more. I just want to say that we have a very famous person in my riding whom we're very proud of. Her name is Lynn Johnston, who just happens to live down the street from me. She is a famous cartoonist, For Better Or For Worse, as you know. Her husband, Rod, is a dentist by trade and has actually retired so that he can volunteer for the waterfront, to develop it, to make it a great place for the downtown. They are just incredible individuals. We're very lucky to have Rod and Lynn Johnston in our riding.

Out in Mattawa we have Vala Monastine Belter and her husband, Wayne. The spirit out in that small community, which is about 45 minutes east of North Bay—Vala's mom's name is Zena Monastine. I believe she was a Russian world-class ballerina. She taught me, when I met her, that it's not like the French custom where you just kiss on each cheek; you do three.

*Interjections.*

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**Mr McDonald:** I can hear the contingent on the other side of the House. Do you still want to hear more? I'd be happy to say a few more names here.

Bob Young, who is the mayor of Powassan, does a great job down in Powassan. It's a farming community, and Bob Young is a great representative for that group.

Hec Levigne is the reeve of Callander. They have just named their town back to Callander. During his campaign he had a button that said, "Give 'em Hec." That was his whole platform. He does a great job.

The Santa Fund is ongoing. I think it was just shy of \$25,000 the last time I called, the other day. So I encourage everyone—all the community groups, schools, churches—to get involved, because there are a lot of families in need. I too will be at Twiggs on December 20 to participate and donate as well.

I want to say a special hello and thank you to my staff. This is Christmastime and I should thank my staff in North Bay for doing a great job: Algisa Lennie, Sharon Norton and Lisa Bangs. They do a wonderful job for me up in Nipissing, and just so that the people of Mattawa know, Lisa Bangs will go over for half a day once a week to service the town of Mattawa.

I have a great assistant here in Toronto at Queen's Park. Her name is Heidi Rogers. She is not actually from Toronto, she is from Erie, and she commutes every once in a while. I can tell you, I'm very lucky to have her as an assistant.

I must say hello to my mom, Judy.

*Interjection.*

**Mr McDonald:** That's the only thing to do, right? You have to say hello to your mom, because your mom is very important. And my dad, Ron: he has Algonquin flight school, a small business. He's doing a great job. He is a small business man.

*Interjections.*

**Mr McDonald:** We're having some fun. We're here until midnight. Mr Whip, I've just got a couple of more, if you'll bear with me.

I have to say hello to my brother and sister, Dave and Lisa.

I will finish it, Whip. You asked me to fill out an hour and I don't understand why you're compressing my time. I still have 26 minutes, but I'm happy just to finish off.

I just want to say a special hello to two individuals: Sister Nora Murphy, whom the community is going to hear a lot more of, and I'm not going to say anything more than that. She is just spearheading something I think is so wonderful. And somebody I have a lot of respect for—she's a lawyer in town—is Judy Shea.

I hope I didn't leave anybody out. If I did, I apologize. I will twist the whip's arm a little later to see if I can get up and say hello to a few more individuals who are so important.

Mr Speaker, thank you very much for allowing me to say hello to my friends and family in my riding of Nipissing. I just want to say thank you very much. I appreciate being your representative.

**The Acting Speaker:** Further debate?

**Mr Gerretsen:** I concur totally with the member from St Catharines, who in effect is saying that's the best and the most truthful speech we've had from that side of the House in quite some time. So I think the member ought to be congratulated.

I'd like to turn to something a little bit different, though. It really speaks to the unreality of what happens here at Queen's Park from time to time. I always feel that once you leave here and get in touch with the real world, as we do in our ridings, you get this total feeling of unreality that pervades here around Queen's Park, with all the spin-doctoring, and I'll admit there is spin-doctoring on all sides.

Let me just give you one example. You may recall Bill 198 that was passed here the other day. You may recall there were some pension benefits provisions in that bill in which the government basically tried to attack the surpluses that there were in many pensions so that the retired people who should be getting the benefits of those surpluses weren't going to get them. You may recall that we fought in here, both opposition parties and basically Mr Smitherman, the member for Toronto Centre-Rose-dale, on our side, that the pension benefits section of Bill 198 should not be passed under any circumstances.

Well, there were a couple of news releases that were issued. Every now and then you get something in this place that really makes you chuckle or laugh out loud. I'll just read this press release. Remember what happened: the opposition pressured the government, in effect, into getting rid of those pension benefits provisions. The first communiqué that went out went something like: "The government confirmed today that the measures in Bill 198 dealing with the pension issues will never be proclaimed, even if the budget bill is passed by the Legislature." I cannot ever remember a government saying, "Pass a bill, but we're not going to implement it." That must have been unique in its own right, but it gets better.

The next release that went out, on December 4, 2002—I think the Speaker knows what I'm talking about—is a two-line press release in which the government says, "The Ontario government has sought and won unanimous consent to withdraw the amendments to the Pension Benefits Act from Bill 198, Finance Minister Janet Ecker announced today."

Now, you talk about somebody wanting to have it both ways, making it sound in the press release as if they had to wrestle us down to take those pension benefits out of Bill 198. This is the most unmitigated nonsense I've ever heard, that the government "sought and won unanimous consent." No, we gave them the consent two or three weeks ago. They didn't win anything at all. They lost on that. The only people who won, as a matter of fact, were the pensioners who at least now will once again, with the employers, have to negotiate how the pension surpluses are to be divided between them, which they've had to do since the mid- or late 1980s. But at least they've got a fighting chance now which wasn't there before.

I just thought I'd bring it to your attention, because I thought it was the most comical government press release that I've seen here in my seven years: that the Ontario government has sought and won unanimous consent to withdraw the amendments. They were forced into it because of the hundreds of pensioners who were sitting here. There were forced into it because of repeated questioning, particularly by Mr Smitherman, and by other members in my caucus and the NDP caucus. They had to withdraw it because there was a tremendous outcry out there where people were saying, "Do not turn the excess pension funds back over to the employer," which this bill in effect would have allowed them to do. Anyway, that's just one point I want to make.

The other point I want to make is dealing with the economic outlook and fiscal review document that the government issued through the Minister of Finance last week. Maybe the people are already aware of this, but I think there's one figure in this that really stands out. It's the figure that talks about the fact that sales and rentals of government property this year will net the government \$2.424 billion. The significance of that is this: if you look at last year's amount that was received through sales and rentals, it was \$344 million, more than \$2.1 billion less than the anticipated amount this year. If you look at the year before, it's \$637 million. If you look at the year 1998-99, it's \$640 million. As a matter of fact, the only other year in which it went over \$2 billion was in the election year, 1999, when of course the 407 was sold. Then, to balance to budget, they had to insert a figure of \$2.1 billion in there.

My point is simply this: in order to balance this budget in which we take in revenue of something like \$66 billion in expenditures of the same amount, in order to balance that, the government has to sell assets of the people of Ontario that amount to \$2.4 billion.

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What are those assets? Well, we know that they're still insistent on trying to sell 49% of Hydro One. That's still on the table. A lot of people somehow figured, because the consumer price has been stabilized over the next four years, that the whole hydro situation—yes, it's still out there—would remain in public hands. I just want to tell the people of Ontario that's not so. The government still intends to sell 49% of Hydro One, which basically means that we will still have control, but I say, why sell any of it at all? It's a public asset and it should remain in the public domain, particularly an important utility such as the electricity company, and it raises money besides.

The other thing that's included in this \$2.4-billion figure relating to sales is that the government intends to sell the Province of Ontario's Savings Offices. Now, it does not play a major role in my community of Kingston, but I do know that there are many, many smaller communities where the bank has operated for well over 75 or close to 80 years. These are particularly smaller communities that commercial banks, probably for business reasons, have not gone into, and yet those people also needed a place in effect where they could handle their financial transactions, which is the reason



why the Province of Ontario Savings Office was set up in the first place. That's included in there. There may be other items as well.

I suggest to the people out there, if you are really concerned about these two issues, that is, the sale of 49% of Hydro One and the sale of the savings offices of the provincial government, e-mail, write, fax letters to the Minister of Finance, to the Premier, to each one of the government members. If you want to send us a fax or a letter or an e-mail as well, that's fine, so that we would know what's going on. But let the government know how you feel about it. There's absolutely no certainty at this time that 49% of Hydro One will not be sold. The only way that you're going to change that is by letting the government know that you are diametrically opposed to the sale of any of these assets I've mentioned.

In the few minutes I've got left, I just want to talk about the Provincial Auditor's report of last week. I am a firm believer that when you spend the taxpayer's money, you should be doing it on the same theories and using the same practices that each one of us tries to operate our own financial situation with. If you think of the government's money, which after all is the people's money, in the same way as if it were your own, then some of the outrageous situations that the auditor has identified in his report this year, simply would not occur, or they should not occur.

There are all sorts of examples I could use. For example, the use of consultants has gone up by something like \$400 million in just the last two years—

**Mr Richard Patten (Ottawa Centre):** What?

**Mr Gerretsen:** Four hundred million dollars.

**Mr Patten:** My God.

**Mr Gerretsen:** Last year, \$662 million was spent on consultants—

**Mr Patten:** Incredible.

**Mr Gerretsen:** —which is a \$400-million increase on a yearly basis over 1998.

**Mr Patten:** You're not serious.

**Mr Gerretsen:** Yes, I'm serious. It's unbelievable—

**Mr Patten:** It's unbelievable.

**Mr Gerretsen:** —particularly in situations where we now have consultants checking on the consultants. It is totally unacceptable as far as the people are concerned.

The other one that I found absolutely astonishing is the fact that apparently more than half of the Ontario corporations in the province do not file annual tax returns.

**Mr James J. Bradley (St Catharines):** Surely not. Surely not.

**Mr Gerretsen:** That's almost incredible.

**Hon Helen Johns (Minister of Agriculture and Food):** Where's Shirley?

**Mr Gerretsen:** Where's Shirley? Shirley is just down the hall. The minister may be poking fun at it and maybe she's trying to divert attention away from the fact, but I wonder if somebody could stand up on the government side, particularly one of the cabinet ministers, and try to explain to me how it is possible that over half of the corporations of Ontario could get away with not filing a corporate income tax return.

**Mr Bradley:** Time for a snitch line.

**Mr Gerretsen:** Oh yes, they were all in favour of snitch lines at the time to catch people on welfare if you thought somebody was cheating. You may recall—one of the first things that I ever said in this House, as a matter of fact, to then Finance Minister Eves—I said to him, and maybe quite naïvely and innocently, "If you're going to have a snitch line for people who cheat on welfare, why don't you have a snitch line for the people who don't pay their taxes, either personal taxes or corporate taxes? I think what's good for one is good for the other."

Generally speaking, I'm not in favour of snitch lines, but if you're going to have it, have a snitch line for everybody who's out there, and not just for one segment of society and not for the other segment of society. But how, Speaker—and I'm asking you the question—is it possible that, out of the 773,000 corporations that we have in the province of Ontario, more than half of them don't file their income tax returns? OK, you could say, "It's up to them to file." But surely to goodness the Ministry of Finance should have been on top of this situation and should have sent out reminder notices, should have done something or other to try to get the system moving.

You see, what's interesting, and I again go back to the budget document, when you look at the amount of corporate taxes actually coming into our system here, it's very revealing. In the year 2000-01, the corporate tax revenue paid into the province of Ontario, paid into the system, was \$9.2 billion. You know what it is anticipated to be this year? Some \$6.1 billion.

Some people could say that some of it's due to the fact that corporate tax was lowered, something that we have never agreed with, because we always felt that rather than giving corporations and individuals an income tax cut, it would have been much better to put that money into much-needed education and health care services. But most of that money, or lack thereof, is due to the fact that people simply aren't filing. If they're not filing, most of them aren't paying. The auditor points this out. It'll be very interesting to see what the response of the Ministry of Finance will be once they appear before the public accounts committee.

There's also another section that I personally found very troubling, and that dealt with the long-term-care situation. As long-term-care critic for our party, I feel that the way we treat our elderly in our long-term-care homes is something that should be our top priority. These are basically people who, many of them, are in the last days of their lives. I think what we owe them, more than anything else, is that they can live out their lives with dignity, respect and in comfort.

I see, for example, that none of the homes that the auditor took a look at had an up-to-date licence and that some of the licences went back to 1998, 1997, since they were last renewed. I find that a deplorable situation. You could say, "What has the licence renewal got to do with the home?" The point is simply this: if we as a government, or the Tories as a government, don't even care

about renewing the licences of the nursing homes etc, how many other things that are much more meaningful in the lives of the elderly who live in these homes are being, in effect, neglected as well?

I always point out that I have the highest regard for the people who work in these homes. Most of the people who work there are greatly overworked because of the tremendous acuity problems that many of the seniors have, which is ever-increasing as the population ages in these homes. The demand on the people who work there is more and more and higher and higher.

What I say to the government is quite simply this: try to deal particularly with the problems that affect the most vulnerable people in our society, whether they're young or whether they're old. In this particular case, I think the auditor has made a very compelling argument for the Ministry of Health and Long-Term Care to immediately move into this area and correct the deficiencies that he has pointed out in his report.

With that, I'll turn it over to the next speaker.

**The Acting Speaker:** Further debate?

**2010**

**Mrs Julia Munro (York North):** It's a pleasure to be able to rise this evening and speak on the concurrence issue. I think one of the things that I, as a member of the government, am particularly proud of is the recent announcement of the creation of one million jobs. I think that for many of us who look back to the early part of the nineties, this was something that seemed to be unobtainable. Although, as a member, I certainly remain committed to the notion that this was something to work toward, I think that it is certainly an achievement in which many of us take great pride. It means fewer people are on welfare. It means that those people have not only the material advantages of a job, but also the self-esteem. It speaks to the climate for investment that we have created in this province.

I want to speak particularly to the issue of the small business owner. When I talked to small business owners in the early nineties, they were crippled by the burden of taxation, of employer taxes, and they were extremely depressed about the opportunities that they thought lay before them. It was then the commitment that we had to ensure that in fact small business would have the confidence to be able to add even one more employee. Small business accounts for the greatest growth in employment in this province, and adding one more employee was extremely important to them.

It's really a pleasure for me to be able to just comment on that particular accomplishment. It speaks to the industry and the commitment that the people of Ontario have, that they have been able to create one million jobs.

**Mrs Bountrogianni:** I'm happy to join this debate. I'm going to spend the 12 minutes I believe I have to speak on post-secondary education and what the cutbacks have done to post-secondary education, but I want to focus on the double cohort. We can't talk about the double cohort enough. It's coming. It'll be here in the fall of 2003. We're unprepared for it. The government's own

report showed that they are short 6,300 spaces. Just this week we learned that they're asking the colleges and universities to consider taking fewer non-traditional students. By non-traditional students: college transfers and older students; in other words, adults who have decided to go back to school. That's a shame. They had seven years to plan for the double cohort. Someone named Mr Gourley who used to work for then-Finance Minister Ernie Eves actually told him, to the student, the number on the double cohort. He did excellent research seven years ago and told them how many students would be entering school in 2003, but they ignored it and low-balled the estimate and now, even if they gave the money tomorrow, the schools would be scrambling to hire professors by the fall. That was a huge failure on the part of the government. The honourable member opposite talked about jobs. Well, we have to think about future jobs as well. Students are a big part of that.

The second thing I'd like to highlight is the OSAP problems we're having right now. Fewer students are eligible for OSAP right now. It's gone down significantly in the last few years. The reason is, the criteria have been tightened so that now, if you've lived out of the home up to five years—in other words you can be 23 years old, you've lived away from home for five years—the government still considers that your family needs to pay for your education. There are all sorts of reasons why the students may be living away from home for five years or more. As well, they've lowered the amount of family income in order to be eligible for OSAP. In the past if a family of four had a family income of \$40,000, they weren't expected to be able to pay for their kids' education in post-secondary. Now they are. These are the reasons why OSAP have made it really difficult for students to apply for and get OSAP.

A few weeks ago we had the college students come here and talk about OSAP in a very constructive way and actually give constructive advice to the minister. She said she would look into it—that would be the education minister; the other minister was not available—that is, basically administrative changes that would make it easier for the students.

One change is for the appeal process to be brought in. In the past if you were not successful in your application for OSAP, you were able to appeal. The administrators would then look at your situation and say, "OK, you're in the grey area. You may not fit the rules exactly, but we can see why you need the money," and they would grant the appeal or not. That has been taken away by this government, and the students want that back.

The second change they want on OSAP, which really isn't a money issue—it's more an administrative issue—is to give the money sooner than when the OSAP money is given. It is very difficult. Some of them have a lot of trouble getting by the first couple of weeks of school until they get their OSAP money.

The other issue I want to bring up again is the physician shortage. Instead of trying to address this by making it easier for students to go to medical school, they've made it more difficult. Tuition has gone up. It



used to be \$5,000 a year before this government took over. It's now approximately \$15,000 a year.

I highlighted one medical student who actually did her undergraduate at McMaster, Anne Conlin. She's from the town of Ailsa Craig. Anne is one of these amazingly exceptional students. She went to McMaster University. She did not qualify for OSAP, but her parents could not help as well. She's from a rural area. She worked full-time while attending McMaster University for undergraduate studies. Everyone knows how difficult it is to get into medical school. You have to have marks in the 90s. You have to have had volunteer work. A lot of people do missionary work in Africa. The average age is going up for medical students—

**Mr Patten:** They have to work here too.

**Mrs Bountrogianni:** —and work here as well; thank you, Mr Patten. It's very difficult to get into medical school. Anne worked full-time and went to school full-time at McMaster, and managed to get the marks to get into medical school at the University of Western Ontario.

She was fine with that. She was quite willing to work full-time and go to medical school full-time. She's one of these amazingly exceptional young women, but the tuition was \$5,000 a year when she started. In year two, it went up. In year three, it was \$15,000. She went to a bank. To make a long story short, she now owes about \$100,000.

There are no physicians in her town—it's one of the Deputy Speaker's towns, Mr Johnson's town. She's still determined to go back, which again points to how exceptional she is, because she wants to give back to her community. She said she has other friends who are equally motivated, but they didn't go into medical school because they saw what she was going through and said, "It's not worth it. We're going into different fields." What a shame for rural Ontario and for the rest of Ontario.

As well, the medical students who came that day—this was in October—highlighted the fallacy of the free tuition for medical students who agree to serve in rural areas. It's a fraction of the cost, so it's just not worth it. Very few are taking this up, because the average student debt of a medical student is \$100,000. You end up getting, after taxes, \$26,000 with the government's program to pay for tuition. That's just not enough for them to be motivated to do this. There's another area where this government has really disappointed all of us: the students, the future physicians, the physician shortage, and so forth.

I want to also talk about the cutbacks to post-secondary education in general. As soon as they were elected in 1995, they cut nearly half a billion dollars: a 15% cut in operating grants. That was the largest cut to post-secondary education in Ontario history. Instead of increasing money to prepare for the double cohort, they actually did that: they cut nearly half a billion dollars.

We saw what happened earlier today with the Rozanski report. He is saying that the elementary and secondary schools need almost \$2 billion—I think \$1.8 billion—which is approximately what this government

cut from elementary and secondary education. They're doing this the same at all levels of education: they first cut, then the commission reports to show they shouldn't have cut. What was all this turmoil for? The debt still increased.

**Mr David Christopherson (Hamilton West):** Tax cuts.  
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**Mrs Bountrogianni:** My colleague from Hamilton West says it's about tax cuts. Yes, it's about tax cuts. But I can tell you that tax cuts aren't doing a lot of families a lot of good. There are so many user fees. My son comes home every week—he's in grade 10—with some amount of money he needs for something that in the past students didn't have to pay for. I'm very fortunate. I have a job. I can pay for it. But I really wonder about the families that make a lot less money. I don't know how they do it, because it's challenging for us as well. I don't know how other families can do it.

What they did to elementary and secondary—which is very clear today; they underfunded it for the last seven years—they've done to post-secondary as well. There aren't as many people with kids in colleges and universities, so there hasn't been the amount of turmoil that there was in elementary and secondary. But that's coming now, with the double cohort. That's coming because the government has underestimated by 6,300 the number of spaces needed. This was predicted in 1995 by someone in then-Finance Minister Eves's office. It was ignored. It was confirmed again by the Queen's research in the summer. They actually tried to bury that report, but of course we got a copy. They still haven't done anything about it.

The tragedy is that even if tomorrow all of a sudden they put in the money for the double cohort, it's too late for the fall, as far as hiring people. Professors aren't as easy to hire as some people might think. Most of them have to relocate to go to the city where they teach. It costs approximately \$6,000 just to interview a professor. They fly the professor in or get them in through a means of transportation, with the family, to check out the neighbourhoods, to check out the schools, and then they decide whether they want to relocate. It's a big decision. So for them to do that, it takes time; it takes money. This government has basically nixed that opportunity.

As well, just the uncertainty surrounding the double cohort has made a lot of high-quality potential faculty say, "Maybe we'll just pass over Ontario now." I know my institution, which is in the riding of my friend David Christopherson, McMaster, is doing all sorts of things and giving all sorts of bonuses trying to get faculty there. I'm sure all universities are doing that. I just happen to know about it, since it's in my town. That is what they're doing. They're giving all sorts of bonuses: "Please come."

The other problem with post-secondary education that I'm hearing from students is regarding the overcrowding of classrooms. Already a certain percentage of students in each university and college are unfunded. They're called

different things in colleges and universities. In universities, they're called "unfunded students," which means the institutions basically absorb the cost of these extra students. Now they're asked to do it again in the fall.

They're trying their best to accommodate, but when I speak to the administrators and the professors, they're quite sad that they have to say no to students who are 25 or 30 years old, who for whatever reason didn't have the opportunity to go to school when they were 18 and now want to go back and are told, "Well, you're going to be on some secondary list." Of course I support the 17-year-olds and 18-year-olds who are now graduating for the first time, but we shouldn't do that at the expense of mature students who want to go back. It's a second chance at a better life. We all know that better education correlates with all sorts of things—better health and so on. It's just a shame that that opportunity has been really reduced, if not taken away, from a lot of adults who want to go back.

As well, there's a group of college students who often take a different route to university. They'll do a college diploma and then they'll apply for university, for whatever reason; either because they weren't ready for university, it was too expensive at the time or they thought they wanted to get into something more applied first. Ordinarily after two years it wouldn't be a problem to get into first-year university with some credits. The institutions are now being told by this government, "Put those on a secondary list too." So fewer of those possibilities will occur as well.

It's not as if this government wasn't warned. They were warned over and over again by stakeholder groups, by students, by members of the opposition. It was just poor planning. My theory is that they were hoping the private universities would accommodate the double cohort. My theory is that they thought that many more private universities would open. Of course, they were really delayed in even getting that going. The quality assurance board has not approved many. I really do think that's what they were hoping: that the private universities would do it. It's not a bad theory, if that's what they were hoping. But that hasn't happened either, because even there there was mismanagement. It took them a full year to get the quality assurance board up and running. It took a long time before people committed to being part of that board, and for good reason.

In short, I just want to say that what they've done to post-secondary education is shameful. We are funded last of all the provinces and states by this provincial government. We should be at the top, not at the bottom. I really feel very sorry for students, my children included, that they have to have these challenges that we never had when we had the opportunity to go to school.

**Mr Christopherson:** I'd like to pick up where my friend and colleague from Hamilton Mountain left off in terms of having talked about education and the need that's there—

*Interjection.*

**Mr Christopherson:** Well, when it comes to Hamilton, nobody else in this place who gets up every day and says, "What am I going to do for Hamilton?" so if we don't do it, nobody is going to. I'm very proud of the fact that we do stick together. I see my other friend, the Honourable Brad Clark, here from Stoney Creek who's a member of the government. When it comes to local issues, yes, we do stick together. That's exactly where I'm going, actually: on a matter of local importance.

I want to talk just very briefly about Chedoke while the Minister of Health is here. I'm not going to get into the particulars because the players know exactly what the issues are. What I do want to emphasize to both ministers, our regional minister as well as the Minister of Health, is that we've got a unique opportunity to do something positive with the lands that are being developed with the new St Peter's facility. The land is being offered to us at no cost. It's adjacent to this new facility. It allows us to keep the families, these individuals and the staff together.

At this time, Minister of Health, the one thing that we need is to hear you step in and at least direct Hamilton Health Sciences that they will not begin moving those individuals out. If that starts to happen before we get an announcement on the new facility, quite frankly it's going to make it that much more difficult for us and your ministry to justify the building of this facility. I know that you've undertaken to look at this. I take you at your word. I know that your seatmate in this case, fortunately for us, is indeed Minister Clark. I would just emphasize to you, Minister, if you're not in a position soon to announce the new facility, if we could hear from you publicly that those individuals won't be moved out it would be very helpful to help alleviate some of the very strong anxiety that exists among the individuals and family members of those there.

Minister, I'll leave that with you. At the earliest chance you get to indicate that they're not going to be moved in the foreseeable future—that would be a really good sign for us. I've offered publicly, and I know my colleagues in the official opposition have too, that if we get these announcements, you'll get the credit that you're due and the acknowledgement that it's a positive thing in our city. Until then, we remain on guard, shall we say, hoping that this works out. I'll leave that and hope to hear from the minister soon.

I asked a question earlier today on behalf of Hamilton city council, where we're in a desperate situation for funding that the city council has been covering with 100-cent city dollars, when actually it's provincial money that should be doing this. I'm going to take advantage of the opportunity to speak on virtually anything we like and the fact that the minister who I asked the question to is here today, the Minister of Community, Family and Children's Services.

The minister knows that we weren't talking about the per diems, and fair enough. There could have been a confusion yesterday. What we are talking about is the fact that the \$240,000 in question that city council has



paid is money they're paying out because they don't want to turn people away, but it really is a provincial responsibility. If you don't step in, not only will individuals who are currently having their needs falling short, but people who now are in beds won't be because the city is going to have to cut back.

On that, I did read part of an editorial from Robert Howard, who wrote the editorial in the *Hamilton Spectator* today. I got a chance to read some of it. I'd like to put a little bit more on the record, again, taking advantage of the minister being here to underscore the importance of this to our community.

The editorial goes on to say, "The health of Canadians should not be dependent on where they were born, where they end up, or how much money they or their family may have. We have embraced that precept when it comes to physical health; why is it so difficult to come to terms with it for mental health?"

2030

That's relevant, Minister, because you will know that the individuals we're talking about are people with mental illness and other very debilitating disabilities that leave them with no alternative, and if we don't step in—well, you probably think it would be a little over the top if I said it. I'll read how the editorial ends. I appreciate the minister giving her attention to this.

"The tragic fact is that this winter—on probably more than one occasion—a mentally ill homeless person will likely freeze to death on the street of a Canadian city. We acknowledge that even the best-resourced safety nets can't save everyone. But the province—and ultimately Ottawa—must step forward. If not, people will continue to suffer, and some will die."

Minister, I know that earlier today you looked over at me and committed to reviewing this. I took that, based on knowing you the way I do and sort of the body language or the way you expressed it, that you weren't just looking to get out of an answer to a question in question period but that you were sincere about it. I believe that. It's not a huge amount of money, although every dollar is important: \$240,000, and we've got a \$67-billion or \$68-billion budget. If you can see your way clear, it really would allow all of us—you as the government here, our city council and the supports we have in Hamilton—to reach out on those freezing cold nights and make sure that there's at least a warm bed for someone to go to. I know you'll do the best you can in that regard, and we appreciate it.

I want to move now, in the moments I have left, to deal with education. I mean, here we go again. Critics—political, trustees, students, parents, education experts—virtually everyone, has said that your funding formula doesn't work, not that it needs fine-tuning or tinkering but that it doesn't work. The whole concept of a cookie-cutter approach to every community doesn't make practical sense, doesn't make common sense. The needs in downtown Hamilton are very different from the needs in downtown Mississauga, Markham, Oakville. Even Toronto, for that matter, is different from every other

community. To have a formula that doesn't allow that kind of flexibility is actually a formula for disaster. You were told that, over and over and over again. I said in an interview, at least a message I left, with Chinta Puxley of the *Hamilton Spectator* that the headline ought to read "We Told You, Says Everyone," because virtually every recommendation in here reflects one criticism or another that came from every group that I just mentioned. Pick the subject matter and it's covered off in this report.

But we all know how this process works, and it goes like this. The government cuts funding to education and they completely, radically change everything. At the time they do it, they're warned, cautioned, criticized by experts, by parents, students, trustees, those who know a lot more about the education system than I do. Still, you went ahead and did it because you needed that money for your tax cuts, and this was the price coming out of education. And boy, weren't we forewarned about what was going to happen in the Ministry of Education? We all remember John Snobelen—I think he's actually still a member, isn't he? We remember John Snobelen standing in front of that crowd, the infamous tape of him telling the bureaucrats in the Ministry of Education—I'm paraphrasing—that he and they had to create a crisis to justify the actions they were going to take.

All along, the only real expertise you've brought to education is to point out where it doesn't work and where the problems were. We have said to you over and over that there's no such thing as perfection; go to your favourite international conglomerate corporation and there's always room for improvement. But you use that as an opportunity to say, "We're the only ones who have done anything. Here's this problem," and the piece you left out was whether or not your action solved the problem. You identified it and said, "We're taking action," and somehow that alone is supposed to have Ontarians conclude you were doing the right thing.

No. In fact in most cases—not all; there were some good aspects of it; everyone acknowledges that—on the biggest and most important pieces, what happens in the classroom, you knew this wasn't going to work. The job of the Minister of Education in the last few years, in my opinion, has not been to bring about a better education system but rather to be the chief apologist for the government and the dancer of tunes here in the House during question period.

The government knew this. They knew they could only push it so long and then the crisis was going to rise up and bite them, so they commissioned this report. Now of course what's going to happen is that the government—I understand that the Premier and the minister have a news conference scheduled tomorrow. They'll announce that they are responding to these recommendations because they care about the education system. Look, there's nothing new in here. What this does is provide you with political cover. It allows you to say, "We have to make these changes, not because the system doesn't work," which everyone knows, but rather

it allows you to stand up and say, "We're going to make these changes because the recommendations"—

*Interjections.*

**The Acting Speaker:** Excuse me. We really do have to come to order. I'm having some difficulty hearing the member from Hamilton West. If you want to have private conversations, you may have them outside the chamber. I apologize to the member for Hamilton West.

**Mr Christopherson:** Not a problem, Speaker. I have no doubt that it's not a question of whether they can hear me but whether they want to listen. I'm sure they hear me—at least that's what I intend to achieve, at the very least, while I'm on my feet.

As I was saying, what this report does is give you political cover and it lets you make the changes that should be made—quite frankly, to put things right—without having to say you were wrong. That's the purpose of this, what it's for, so you can say, "We did a review at the end. We'd built in a five-year review. So we don't have to admit we did anything wrong. This is all part of what we were planning in the first place." It's again so transparent.

However, as in the case with the Henderson Hospital in Hamilton—I see my friend the Minister of Labour laughing. He will know that I'm probably about to say that in the case of the Henderson Hospital, the by-election was our friend. In terms of education in this province, the upcoming provincial election is our friend.

**Hon Brad Clark (Minister of Labour):** You're such a cynic.

**Mr Christopherson:** Oh, I'm very cynical on these subjects. You're absolutely correct. And why? Why on earth would I be cynical about anything your government has done, Minister?

The only good news in all of this and the fact that the election is coming is that they are probably going to respond to some of these. I can't imagine that at this point even this government can say no to this report. What is a shame—

*Interjection.*

**Mr Christopherson:** I hope you're just practising, Minister, for something else, not this report.

I want to point out that what hurts and what is painful to have to accept is that classes for English as a second language haven't been there for how many thousands of students at the very least over the last few years because of your stubbornness? How many hundreds or thousands of special-needs children have not had their needs met? How many have had to stay home? How many have not had the assistance they should have in the classroom because you've refused to admit that there was underfunding in these areas? How many principals have already been fired, laid off, gone from the system because you wouldn't keep a principal in each school? What's the recommendation here? Quelle surprise: a principal in every school. Guidance counsellors: they're back. A recognition that there hasn't been enough money for transportation: it's there in black and white. There's money there for maintaining and repairing schools. How

many times have colleagues from Hamilton got on their feet and practically begged you to put some money into maintenance because our schools are deteriorating around the heads of our children? It's in the report.

2040

There's even a recognition that—I'm going from memory now, but I think it's \$50 million be earmarked for small schools in a community. I see the Minister of Education nodding her head yes, so I assume I've got the figure right. Certainly that recommendation is in this report, but you know it comes awfully late, in fact too late for many schools in Hamilton. I can only imagine how many small communities have already closed their only school. It may already be gone for them. So that's the shame of this report. The heartbreak is that there has been pain, certainly on the part of parents of children with special needs when they saw the supports for their children cut in half, cut to a quarter, eliminated, or their children at home because there aren't any supports there. How many young people across Ontario aren't being given the same opportunity that others will in the future because they didn't get the skills they needed with regard to English as a second language? These are crucial, fundamental pillars of education for so many children above and beyond the complexity of the new curriculum—and that's causing a great deal of grief. The status of textbooks is still an ongoing problem.

There are so many issues that I guess ultimately we just have to take our heartbreak and turn it around and say, "At least, hopefully, those days are over." The best we can hope for now is that tomorrow the Minister of Education and the Premier will stand up and, if they won't admit they were wrong, at the very least, announce that they are going to do, finally, the right thing for the kids in our schools.

**Hon Mr Clark:** There's a little bit of irony in this, in that we have this wonderful report. I can recall when Premier Eves said that we were going to move forward with a review. The opposition members—and even Annie Kidder was one of them—were saying, "Ah, this going to be a big charade. This is going to be nonsense. We can't trust this government to do anything. This report will be nothing." The reality is, Annie Kidder was just on television praising the report. I was stunned. Earl Manners was praising the report.

*Interjections.*

**Hon Mr Clark:** Do you know what's interesting? The opposition begin to heckle because they don't like this when we are right. They hate it when we are right. The fascinating thing is, the opposition—

*Interjection.*

**Hon Mr Clark:** That's right, we have to bring in an order—the opposition was saying the funding formula was flawed; it was broken; get rid of it. That's what they were saying. Were they not saying that?

Yet, what does the honourable gentleman say? You should listen to this; this is important: "Although there is general support for the concept and the structure of the student-focused formula (I encountered this support dur-



ing my consultations) ... ." He was just on TVO and said that there is nothing wrong with the funding formula. Everyone agrees with the funding formula, he says. His terminology—you've got to listen to it—"virtually unanimous support" is what he said. Those were his words, not mine. We just watched it. You can watch the repeat later on, if you stay up late. He said very clearly that there is support for the funding formula. He has made recommendations on how to improve the benchmarks. That's what he's done.

They're laughing about this, but we stand by our student-focused funding formula. We said there would be a review. You didn't even support the funding formula. You opposed the funding formula. Yet this recognized gentleman is stating, "It's a good formula and we're improving it."

**Mr Bradley:** The report to which reference was just made, of course, is a total condemnation of what this government has done since it has been in power. Now for this government to try to say, in some way spin it, that it justifies what the government has done, is beyond belief. The member must have taken his cranky pills because I'm surprised he was able to say this without having a smile on his face when the report repudiates, in virtually every way, what this government has done to education. I've read it from cover to cover. I'm very familiar with its provisions, and that is the case.

Let me tell you that I have been amused as well. This is as amusing—as my friend from Kingston and the Islands mentioned—the press releases that came out when the government was in full retreat over its pension surplus blunder. I could hear this beeping sound, like something backing up, and I saw this white flag and I could hear the bugles of retreat being played as the minister who early on in the questions was saying that the opposition was simply scare-mongering, and at the end, trying to say that it was her idea that the pension provision be withdrawn from the huge budget bill. Of course it was put in there in the first place to hide it so no one would find it, but of course the very assiduous opposition looked carefully and found it in the bill, as we were reading the bill cover-to-cover at that time. So the government was forced to retreat. Yet another victory, even with rules stacked against us in this House: the opposition, along with people of this province, forced this government to back down from a policy which was designed to provide to its corporate friends the ability to, as some people would say, steal the pension surplus.

**Hon Mr Clark:** Oh, that isn't parliamentary.

**Mr Bradley:** Well, I think some people would say that—steal the pension surplus from the people. We got the letters and the e-mails and so on of people who were genuinely concerned. We took up the cause and the government went into full retreat. It reminded me, as well, of all the fighting we did on this side over Visudyne and how we, day after day, got up in the House and demanded that the Minister of Health provide coverage for Visudyne, and how he would dodge the questions and dance around the questions. He finally came up with a

half-baked formula that still forces people to be half-blind before they're able to access funding for this treatment. So we see the government again having to capitulate on an issue that, if it had done the right thing in the first place, it would not have had to capitulate on.

Hydro is another good example. The government was boisterously defending its hydro policy and saying it was the best thing that ever happened. Of course the intense questioning from the opposition, the e-mails that were coming into the offices of the government members, and the letters that were coming in, the telephone calls, the government put on the brakes. Even the member for Bruce-Grey-Owen Sound who, at least when he is in his own riding, is certainly anti-government, and when he comes down here is a government man—even when he came down here, he had to take off his government hat and tell you people that the opposition was right in the first place and that what you were doing was going to be a disaster for the people in terms of the amount they were paying for electricity. So the government backed off on that. I was pleased to see the government back off on that particular issue.

*Interjections.*

**Mr Bradley:** I will ignore the interjections because of the short period of time I have.

I was also horrified by the auditor's report that just came out that said this government was now spending \$400 million a year more on consultants, that it hadn't even licensed many nursing homes in this province, that inspections were well behind. It had many horror stories in it. They like to be the law-and-order party over there. My friend the minister of—I used to call him the Solicitor General and the Minister of Corrections—now I think it's public safety; Tom Ridge's job in the US—they took \$60 million away from him. Then they expected that he was going to be able to have his ministry catch all these people where there were warrants for the arrest. Well, how do you expect him to be able to? I'm sympathetic to my friend Bob Runciman because I say, "How do you expect the man to do this kind of job when you whittled \$60 million out of his budget?" He needed it very much. I told him, and I will continue to do this, I'll fight to get that \$60 million back in his budget. So he is not the stooge for the government, the one who has to accept all the criticism for the government, because he doesn't deserve that criticism, in my view; the government does, those who provide the funding to his ministry.

**2050**

We have many problems out there. I had a call today from a constituent who could not get a CT scan. The person, as it turned out, had cancer of the colon and had to go over to the United States and pay US\$300 to get a CT scan that discovered he was in the third stage of cancer of the colon. He is asking why he couldn't have had that kind of scan in a timely fashion here in Canada.

Now, the Minister of Health says, "I've got the solution. We'll give it to the private sector. That will speed it up. We'll put out a request for proposals." All

that has to be done, I tell the Minister of Health, is to put those diagnostic machines in the hospitals, not out to the private sector. If you put them in the hospitals and give them the funding to operate these diagnostic machines, first of all, it will be cheaper, and second, it will be within the public domain instead of having the profit in it. I think that's what everybody in this province is looking forward to. They hope the minister will withdraw those kinds of proposals, although he seems wedded to them at this time.

I want to tell him that hospital restructuring in Niagara has been a disaster. The government took millions upon millions of dollars out of hospital funding in our area and created a crisis in the hospitals. Now, wherever we find restructuring taking place in the province and the government has an estimate, you triple that estimate and you have the real cost of the disruption that was caused by this government to the hospital system in Niagara and other parts of the province.

We have a shortage of doctors. This government has given some hints that it's finally going to address this issue, after great pressure from the opposition. Of course we find that their policies have been inadequate in this regard. Thousands of people right across this province, many of them in the Niagara Peninsula, do not have access to a family physician and all that means to them.

We have drug costs where people have to pay out of their own pockets for necessary drugs and are not receiving this cost because the government made a deal which allowed them to de-list many of these drugs that are essential for the good health of people.

We find that people are being discharged quicker and sicker from hospitals and, as a result, many times have to come back into hospital or are left in a very vulnerable position. They are unhappy people.

Ophthalmologists in the Niagara region are small in number and large in caseload and require a temporary increase in the billing cap to allow people to be properly serviced in our part of the province.

We have the problem of the double cohort, where there are simply not going to be enough spaces for post-secondary students who want to get into the institution of their choice, an institution they deserve to be allowed into because of their marks and their desires. The changes to OSAP, while sometimes subtle, have meant that people with a lower income have not had the access they should have to post-secondary education. And we have seen tuition go up sky-high, in some cases, for the professions and very high in other cases. It's all right for the rich in this province. We look like we're going back to the good old days, as the government would say, where only the extremely bright and the extremely rich had the best access to the best positions in post-secondary education, but of course that's what this government is all about.

We had the government peddling Highway 407 to save its bacon back in the 1999 election—a \$3-billion giveaway—and customers are being gouged constantly by the Highway 407 corporation. Now they want to sell

the Province of Ontario Savings Office. Most of the calls I'm getting are from people who were once Conservatives, who are saying this is a good institution, something you should maintain, and yet you're eager to sell that in a fire sale so you can balance the budget.

You should be saying to the corporations, "I'm sorry, we're not going to give you more tax breaks. We're going to create a good atmosphere in this province with a strong health care system and an education system. We're not going to give you that \$2.2-billion tax cut that you have been promised by this government. Instead we're going to invest it in services that are needed by the people of this province."

I heard a member talk about the Ministry of the Environment budget. Of course, that is a joke. Having cut the Ministry of the Environment to the very lowest it's been in years, the government is now putting some money back in and rehiring staff. They conveniently forget to say that they virtually annihilated the Ministry of the Environment. One promise they kept was the nod and the wink to polluters in this province when they said to them, "You know, we'll get the Ministry of the Environment out of your face." Promise made, promise kept. The result: incidents such as Walkerton, Ontario.

I wish I could be more positive about members of the government, but I know that members of the government have it in their own purview to be positive about themselves. I simply say that while you are making the rich richer in this province, people relying on disability pensions have not had an increase since 1993. These are not people who can easily find additional work for themselves or increase their income. At the very least, the government should provide funding to those individuals, and surely that can be done within the concurrences we have today.

**Hon Doug Galt (Minister without Portfolio):** I was quite entertained by the member for St Catharines and some of the comments he was making. He was talking about health care: MRIs, hospital lineups, people not getting in for CT scans just as soon as they might. But I'd remind the member for St Catharines and all the Liberals that obviously it must have been a whipped vote, because they have voted against every budget bill. Every dollar that our government has tried to spend, they have been opposed, it doesn't matter whether it's health care or whether it's to build hospitals. We built one in Bancroft, and of course the Liberal member there, the member for Hastings-Frontenac-Lennox and Addington, took great glee in being at the grand opening, like, "We did it," when in fact she voted against putting money into that hospital. That's their track record.

**Mr Bradley:** Nonsense.

**Hon Mr Galt:** It's not nonsense, member for St Catharines. They voted against every budget bill, every financial bill that has come before this House since I've been here, since 1995.

I'll make a prediction. In approximately half an hour we're going to be voting on concurrences. That's about estimates and about money and about payments. How are



you going to vote? I predict you'll vote not to do it; you'll vote against concurrence. Again, you're going to vote against it. I think it is extremely unfortunate that they stand up holier than thou, but when on earth are they going to do something and support the government when the government wants to spend money and increase spending on health care?

I heard the member for St Catharines talking about the environment. In a 10-year period, from 1985 to 1995, the only legislation I know they brought through was the Environmental Bill of Rights, a pretty poor track record for a 10-year experiment. Maybe the member for St Catharines, who was Minister of the Environment at the time, might enlighten me on some of the things they did, because I don't see anything they did.

There's a whole list of things that the Conservative government has been doing for the environment. If you look at the track record over many years, you'll find legislation brought in and regulations brought in by a Conservative government, not by a Liberal or a socialist government. They do a lot of talking. They talk about the cutbacks. Well, what were all those people doing through the late 1980s and the early 1990s at Walkerton, when records were being changed and fudged and all the rest? What were they doing, all these people they had? Obviously they weren't monitoring. But they get on their high horse and yell and scream that a few people have been cut back for efficiency purposes, that that's the whole problem. I don't think so.

#### 2100

I'd like to bring to the attention of the members of this House the fact that Canada now leads all the G8 countries in economic growth. Over and above that, the province of Ontario is leading Canada. That has taken us from 1995, when we were the worst in economic development in the world, to first. I think that's quite a record and quite a statement for our Premier of the day, Mike Harris, and now Premier Ernie Eves, who was the Minister of Finance. What a wonderful team that took us from worst to first. It didn't take very long from 1985 into the early 1990s to go from first to worst. It was pretty embarrassing here in Ontario, the area that we consider is the power, the engine that drives this whole great nation of Canada.

I was thrilled when the Honourable Janet Ecker stood up and read her Ontario Economic Outlook and Fiscal Review. It was a particular thrill when she read this sentence: "The government's plan for a balanced budget this year, our fourth consecutive balanced budget, is on track." It's not only on track, but we are headed for a fifth one.

The federal government brags about their balanced budget. Where do you think their extra dollars came from? Where would they be if Ontario hadn't stimulated the economy? Where would they be if they hadn't followed Ontario's example in tax cuts and stimulating the economy? We'd still be back there. They'd still be paying into a deficit problem, adding to the debt.

Fortunately, with the kind of tax cuts that were brought in, we are moving ahead.

It was an added thrill to find that we've a million-plus new jobs since we've taken office. The five years before we took office, I believe it was a net minus 20,000 new jobs, or no jobs, less jobs. But to look at the province of Ontario—seeing Toronto at 23.7% more jobs than when we took office; my area, 18.6%; eastern Ontario, 20.3%; southwestern Ontario, 13.4%—if you look at any five workers coming out of a plant, one of those people did not have a job in 1995. Today over a million people came home from a job interview and said, "Hey, guess what? I got the job."

I hear the opposition whining and crying about gridlock around Toronto. Well, that's unfortunate. I can tell you that there was absolutely no gridlock around Toronto in 1995. I could drive in or out at any time. Part of the reason for that gridlock is a million-plus people going to work. I think it's wonderful we have that many people going to work. Yes, we do have a new challenge to look at how to get them in and out and to their jobs, but that gridlock isn't just a coincidence. It's because we have a million-plus more people going to work and coming home. Certainly, it is a challenge that we have to look at.

Here's the example showing economic growth in Ontario: Ontario at 4%, Canada at 3.6%, the US at 3.4%. The opposition often likes to talk about, "Oh, we're just riding on the coattails of the US economy." What happened in the early 1990s when the US was doing very well? Why did we crash then? In the late 1990s we were moving ahead; the Americans were going down. After 2000, 2001 the Americans were in big trouble, but the province of Ontario seemed to be going ahead very well. There was a similar situation out on the west coast where that socialist government crashed in the good times in the US. So I think, I believe, that whether you are doing well or not in a province, depends an awful lot on the economic policies that you have in that particular province.

It was interesting to look at this graph in here to see the average family incomes in Ontario. The average family—that's probably in a lot of cases two-income families—in 1993 got down to about \$52,000—just a hair over. It moved up a bit in 1994, back down in 1995 and from 1995 on steadily climbed to over \$62,000 in 2000. It's probably significantly higher than that at this point in time. Also, look at the tax cuts that boost real take-home pay and how that has increased as a result of tax cuts. The opposition just loves to stand up and talk about, "Yeah, if you hadn't made the tax cuts, look at all things you could have been doing with those dollars." I think you have to really look at what happened to tax cuts and the stimulation of the economy, putting over one million people back to work, a million-plus people paying income tax, a million people with salaries to go out and buy goods that the provincial sales tax is collected on. Corporations pay their taxes. As a result we've increased our tax revenue by approximately 50%.

So if you want to increase taxes, which Dalton McGuinty would love to do—he talks about increasing them by \$2 billion—what would happen? We'd stifle the economic growth in this country; we'd reduce the number of people working; we'd reduce the amount of income tax coming in; we'd reduce the amount of goods that people could buy because there would be fewer people with incomes, and we'd end up with less tax revenue. That's probably what's going to happen if we should be so unfortunate again to try that experiment of a Liberal government, because the one we tried back in 1985 through 1995 certainly was not a very good success at all.

Just in the conclusion of the Honourable Janet Ecker's report, she talks about the balanced budgets of various years. Back in 1999-2000 we paid down \$0.7 billion; then in 2000-01 we paid down almost \$2 billion—\$1.9 billion—of the debt; in 2001-02 we paid down \$0.4 billion; we aim this year at a balanced budget, and I wouldn't be surprised if we have a significant amount to pay down the debt again this year. Then, as we look forward, there doesn't seem to be too much question that we are going to have a balanced budget for next year.

Certainly, it's time that that kind of thing was happening here in the province of Ontario, that we had successive balanced budgets. When we had three in a row, I think the talk about that was the most since back to the early part of the century. So, probably—and I underline that—with five in a row, that may be a total record that's never been in place before.

I think what's interesting about what our government's been doing is to see what's happening in many other jurisdictions. I would like to draw to your attention what I have come across from the Liberal government in BC. As I look at what they're doing and what they call their vision—and this is from their campaign materials—I'd just like to share with you the similarities. It is an honour, I think, that they would be copying from us. The first is a top-notch education system for students of all ages. The changes that we've made have been absolutely phenomenal in developing curriculum, testing of students, standardized curriculum, standardized report cards.

The second one is high-quality public health care services that meet all patients' needs, where they live and when they need it. I think back to the health services restructuring committee and the marked changes they made in this province. As a matter of fact, there has been a hospital completed in my riding and there's another one under construction—that's two hospitals. Do you know how many hospitals were built from 1985 to 1995 in Ontario? Two hospitals. Two in my riding in these two terms, and in Ontario in those two terms, 1985 to 1995 all across Ontario, two hospitals. That just happens to be fact. That's what we're doing with health care. I see they're going to try to do the same in BC, a Liberal government.

"A thriving private sector economy that creates high-paying job opportunities"—does that sound like the Common Sense Revolution? Maybe they plagiarized

from it. Certainly, that's been something that we've been working toward, creating jobs. A million-plus jobs certainly supports that.

"Safer streets and schools in every community"—that's almost dead-on the kind of things that we've been working on. Safer schools—now of course the Liberals, I'm quite sure they voted against that; didn't want safer schools, didn't want safer communities. I know they're talking in their platform about 1,000 more police officers. That's exactly what we did, and they're kind of copying it.

Their fifth point is, "Better services for children, families and First Nations." I think of what we did for young children, preschool children and early years, the early years centres that are being developed across this province, recognizing the tremendous potential in our youth, in our preschool children.

Number six, "The fastest-growing technology industry in Canada"—that's the vision in BC. We have it here in Ontario. It has occurred in the last six to seven years, a phenomenal amount of technology. If you talk to any of the universities, the amount of research money that we've put into the universities has been exceptional.

"A leading edge forest industry that is globally recognized for its productivity and environmental stewardship." "Greater equity and equality for British Columbia in Canada." It's their province, and that's basically what we've been doing. "The most open, accountable and democratic government in Canada." "Responsible, accountable management of public resources and tax dollars."

That comes from a Liberal government, copying very much from the Common Sense Revolution and from the Blueprint that was our platform in 1999.

## 2110

I want to spend a few minutes on some of the things that have happened in my riding through SuperBuild. I think some of the members here would be interested in some of the things that have happened in Northumberland.

### *Interjections.*

**Hon Mr Galt:** I know the member from Sudbury would love to hear about the heliport we've developed in Campbellford. The old one was on a high school football yard and it had to be moved. We've developed in Cobourg an Extendicare with a large number of beds. There's one being developed in Port Hope through Extendicare, approximately 130 beds.

I mentioned a few minutes ago about a hospital being built. That's the Northumberland Health Care Corp in West Northumberland, almost \$40 million from the provincial government. What a phenomenal fundraiser they had. It's gone way over any expectations and my hat's off to the fundraising team that raised so much money for that. Money has gone into the long-term-care facility at Regency Manor in Port Hope and the Streamway Villa in Cobourg.

Highways also: over the last few years since we took office we have spent approximately \$100 million on the



401 through Northumberland. That's putting in the centre barrier, and I'm sure that some of the members, like the Minister of Public Safety and Security, driving up through the riding from his riding, would appreciate the fact that barrier is there. It has increased safety and saved an awful lot of lives. It was a big campaign issue back in 1995, to get that centre barrier in. Also it's now six-laned right into Northumberland, with a tremendous number of dollars being spent on the cloverleafs and the bridges, particularly the bridge under construction right now that goes over the Ganaraska River.

Money has gone into transit renewal programs in Cobourg, Port Hope and Trent Hills. Also, the Baltimore Recreation Centre is upgrading and expanding; approximately \$2 million through SuperBuild that was presented only a month or two ago. Also there is money to Haldimand township, looking at their arena in Grafton. Also there are fish and wildlife programs, infrastructure rehabilitation and the Codrington well system. A Ganaraska fishway has been developed. Also there are a very large number of projects, some 11 projects at Presqu'île park, everything from comfort stations to improving trails, boardwalks, improving the lighthouse visitor centre, just to name a few.

There have also been dollars that have come in—very appreciative of Minister Tsubouchi and what he did for the RCAF museum. That's not in my riding, but it's right on the edge of my riding. There was roughly \$750,000 to give assistance to the RCAF museum, with many of the air force men working very hard to restore a Halifax aircraft that will be housed in this new addition that will be alongside the present museum. It's going to be a very impressive structure. I highly recommend to anyone here, if they're driving along the 401 through Quinte West, to drop in. It's only two or three kilometres off the 401. If you have any interest in aviation, it certainly would be quite a thrill for any of you to go through it.

In Cobourg, again, Minister Tsubouchi was down and made an announcement for the Waterfront Regeneration Trust, again roughly \$750,000, and that's going to help with the old Diversy plant, getting it cleaned up, and doubling the number of slips for boats in the harbour. The unfortunate part is they should be matching dollars with the federal government, but they're Liberals and we can understand why they drag their feet. I expect they'll do the right thing and will come through with some funds.

I want to share in the last minute and a half just a few of the Liberal positions. This was on Tuesday, November 26, McGuinty in the morning: "In keeping with their request, we will give municipalities the option to place up to 3% visitor's levy on hotel room bills. This will yield potential revenue of up to \$75 million per year for promotion and development of tourism." With McGuinty in the afternoon, the secret tax plan is missing. I don't know what happened to it, why they would announce it in the morning and pull it in the afternoon, but that's what seemed to happen.

I noticed that some of the Liberal policy on math just doesn't add up. Mr McGuinty said he would "expand

power generation at Niagara Falls creating enough new clean electricity to power every home in a city the size of Hamilton, which is almost 500,000." Then he later says, "We'll expand power generation in Niagara Falls creating enough new clean electricity to power every home in a city the size of Brampton; that's slightly over 300,000." I expect he was trying to capitalize on the select committee on alternative fuel sources, taking advantage of some of those recommendations, but the numbers should at least be consistent.

Mr Speaker, I look forward to the opposition voting in favour of concurrences and I thank you very much for the opportunity to speak.

**The Acting Speaker:** Mr Stockwell has moved concurrence in supply for the Ministry of Health and Long-Term Care, including supplementaries. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We'll stack these votes.

Mr Stockwell has moved concurrence in supply for the Ministry of Education. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We'll stack this vote.

Mr Stockwell has moved concurrence in supply for the Ministry of Environment and Energy. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We'll stack this vote.

Mr Stockwell has moved concurrence in supply for the Office of the Premier. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We'll stack this vote.

Mr Stockwell has moved concurrence in supply for the Ministry of Intergovernmental Affairs. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

This vote will be stacked.

Mr Stockwell has moved concurrence in supply for the Ministry of Northern Development and Mines, including supplementaries. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

This vote will be stacked.

Mr Stockwell has moved concurrence in supply for the Ministry of Training, Colleges and Universities, inclu-

ding supplementaries. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

We will stack this vote.

Mr Stockwell has moved concurrence in supply for the Ministry of Community, Family and Children's Services, including supplementaries. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

The vote will be stacked.

Mr Stockwell has moved concurrence in supply for the Ministry of Natural Resources.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. We will stack this vote.

Mr Stockwell has moved concurrence in supply for the Ministry of Public Safety and Security.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. We will stack this vote.

Mr Stockwell has moved concurrence in supply for the Ministry of Tourism and Recreation.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. The vote will be stacked.

Mr Stockwell has moved concurrence in supply for the Ministry of Enterprise, Opportunity and Innovation.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. The vote will be stacked.

This will be a 10-minute bell.

*The division bells rang from 2121 to 2131.*

**The Acting Speaker:** Mr Stockwell has moved concurrence in supply for the Ministry of Health and Long-Term Care, including supplementaries.

All those in favour will rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David

Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie

Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Education.

All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.



Mr Stockwell has moved concurrence in supply for the Ministry of the Environment. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.  
2140

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Office of the Premier. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Intergovernmental Affairs. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Northern Development and Mines, including supplementaries.

All those in favour will please stand one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie

Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike

Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David

Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Training, Colleges and Universities, including supplementaries.

All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie

Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike

Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David

Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.  
**2150**

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Community, Family and Children's Services, including supplementaries.

All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie

Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike

Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David

Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Natural Resources.



All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnett, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.  
2200

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Tourism and Recreation.

All those in favour will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

#### Ayes

Arnett, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Public Safety and Security.

All those in favour will please rise one at a time and be recognized by the Clerk.

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnett, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Guzzo, Garry J.  
Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan

O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.  
Crozier, Bruce  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Gravelle, Michael  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Levac, David  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLeod, Lyn  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Pupatello, Sandra  
Ramsay, David  
Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

Mr Stockwell has moved concurrence in supply for the Ministry of Enterprise, Opportunity and Innovation.

All those in favour will please rise one at a time and be recognized by the Clerk.

### Ayes

Amott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Beaubien, Marcel	Johns, Helen	Sampson, Rob
Chudleigh, Ted	Johnson, Bert	Snobelen, John
Clark, Brad	Kells, Morley	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
DeFaria, Carl	Martiniuk, Gerry	Stockwell, Chris
Dunlop, Garfield	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	McDonald, AL	Turnbull, David
Flaherty, Jim	Miller, Norm	Wettlaufer, Wayne
Galt, Doug	Molinari, Tina R.	Wilson, Jim
Gilchrist, Steve	Munro, Julia	Witmer, Elizabeth
Gill, Raminder	Murdoch, Bill	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

**The Acting Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

Agostino, Dominic	Conway, Sean G.	Martel, Shelley
Bartolucci, Rick	Crozier, Bruce	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McGuinty, Dalton
Bountrogianni, Marie	Dombrowsky, Leona	McLeod, Lyn
Boyer, Claudette	Duncan, Dwight	Parsons, Ernie
Bradley, James J.	Gerretsen, John	Patten, Richard
Bryant, Michael	Gravelle, Michael	Peters, Steve
Caplan, David	Hampton, Howard	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Cleary, John C.	Lalonde, Jean-Marc	Ramsay, David
Colle, Mike	Levac, David	Ruprecht, Tony

**Clerk of the House:** The ayes are 53; the nays are 36.

**The Acting Speaker:** I declare the motion carried.

## VOLUNTEER FIREFIGHTERS EMPLOYMENT PROTECTION ACT, 2002

### LOI DE 2002 SUR LA PROTECTION DE L'EMPLOI DES POMPIERS VOLONTAIRES

Resuming the debate adjourned on December 9, 2002, on the motion for third reading of Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I rise pursuant to standing order 9(c), which deals with what can be dealt with on a motion. Today's motion—we reviewed Instant Hansard—clearly indicated that the government would call government business. I will read to you the relevant

section of standing order 9. It's quite long; I will shorten it. It says:

"Evening meetings held under subclauses (i) or (ii) shall be limited to the consideration of government orders or private members' public business or both, according to the terms of the motion...."

Instant Hansard says very clearly, and the Speaker repeated very clearly, that it was for the purpose of government business. A review of today's order paper indicates that the item that was just called is in fact a private member's item: M30. It's clearly designated as an "M" item. I would suggest that, because the terms of the motion limit our consideration tonight to government business, that calling this order is out of order. It's not in compliance with the motion that was put and passed by the government today.

**Mr Peter Kormos (Niagara Centre):** On the same point of order, Speaker: Indeed, the argument is even stronger. If you take a look at standing order 9, in particular standing order 9(c), as well as the motion that was passed, you will note that the motion was passed with specific reference to 9(c)(ii). The addendum to 9(c) indicates that evening meetings held under (i) or (ii) shall deal with either government business or—and it is an exegetical "or"—private members' public business, or—and once again exegetical—both, as indicated in the motion. It doesn't apply to motions brought under 9(c)(iii). This is clearly a motion brought under 9(c)(ii), because 9(c)(ii) is referred to in the motion itself.

But take a look further, to paragraph (d) of standing order 9, which indicates that when it is private members' public business that is to be called, there are further requirements on the government House leader when presenting that motion. Paragraph (d) very specifically indicates that where a motion under clause (c) indicates that all or part of an evening meeting will be dedicated "to the consideration of private members' public business, the motion shall indicate the business to be considered." Clearly, this motion not only identifies itself as being for the purpose of considering government business, but it cannot be argued to somehow implicitly embrace private members' public business, because clause (d) goes one further and indicates that when the government is contemplating calling private members' public business, it has to indicate which private members' bills are to be called.

*Interjections.*

2210

**The Acting Speaker (Mr Michael A. Brown):** It is so noisy, I cannot hear the member for Niagara Centre. If you want to have private conversations, take them outside. I need to be able to hear the member for Niagara Centre.

**Mr Kormos:** I realize that this is a serious problem for the government House leader this evening. However, it is not this caucus that drafted the motion. In fact, we voted against the motion. We didn't want to be a party to this motion. The government House leader chose the motion to put forward. It is not ambiguous; it is clear. So



is standing order 9. The language is clear; it is not ambiguous; it is as specific as could be. Any doubt about the intent of the scope of this motion is surely addressed by paragraph (d), which is the one that requires that when it is private members' public business, the private members' public business that is going to be considered has to be identified in the motion.

That, I submit to you, Speaker, does not shut down the evening but requires the government to call a government bill if we are to proceed any further tonight.

**The Acting Speaker:** Anyone else on this point of order? The government House leader.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** First of all, this is exactly how it was done last night. So as far as the precedent is concerned, if there's a timeliness to a point of order, the timeliness was brought at the time of the point of order. Last night there was a timeliness issue, and the issue was exactly this: the timeliness of that point of order should have been brought at that time.

Secondly, this is exactly how it is done every single session.

**Interjection:** Oh no.

**Hon Mr Stockwell:** Oh yes. We sit late, it's for government business and we deal with private members' bills.

Thirdly, I have not known a time when this House didn't sit late and deal with private members' business during late sittings.

**Interjection.**

**Hon Mr Stockwell:** Am I going to be heckled by the member? I listened to him very carefully.

We've dealt with this as long as I've been in this House; where private members' business was done after 6 of the clock during late sittings to do government business.

Furthermore, once a bill is called, it is called as government business. Once a bill is called, the government calls the bill and it becomes government business because—

**Interjections.**

**The Acting Speaker:** I need to hear the government House leader; I don't need all your assistance.

**Hon Mr Stockwell:** It becomes government business for the simple reason that the only person who can call an order of the House is the government. As the government, I must be allowed to call the order of the House. If I don't have the power to order government business, I can't—

**Interjections.**

**Hon Mr Stockwell:** I appreciate your knowledge on this, but I'm trying to explain it to my friend from Algoma.

The fact of the matter is that as long as I am here as House leader, we are the government. We only have the power to order business of the House. Therefore, all business we call in this House ultimately becomes government business.

So firstly, if they were to call this, there's a timeliness issue. They should have brought it up last night.

Secondly, from a point of history, we've always dealt with this business during late sittings.

Thirdly, by virtue of being the government and the only people who can order business of the House, we are the government, so it must be government business.

It is not an acceptable argument, Speaker. I put it to you to make the decision.

**The Acting Speaker:** On the same point of order, the member for Niagara Centre.

**Mr Kormos:** I would ask the Speaker and other members who are interested to refer to standing order 96, paragraph (f), which specifically refers to private members' public business and how private members' public business bills can only be called by the government House leader for third reading but still clearly retain their status as private members' public business.

You see, there's no other way for private members' public business to reach third reading other than by consent or if it's called by the government House leader. That's the case whether it's a Liberal bill that's private members' public business, a New Democratic Party bill like our anti-scab legislation that's private members' public business, or a government backbencher's bill, or quite frankly a member who is not a part of any given caucus or identified party.

So 96(f) clearly refutes any suggestion that somehow there's a metamorphosis of a bill. An opposition member's private members' public business can only be called for third reading by the government House leader. This suggests that somehow, if Mr Bisson's legislation as private members' public business is called for third reading, it then becomes a government bill—

**Hon Mr Stockwell:** Exactly.

**Mr Kormos:** I beg to differ. No matter how much Mr Stockwell wishes it were true, and I understand why tonight he wishes it were true, he can't wish away the ongoing status. Private members' public business remains a private member's bill throughout its passage through the House as long as it is in the name of that private member.

Secondly, Mr Stockwell argues some awkward proposition of estoppel by making reference to last night's debate.

One, the government chose to bring the bill to the House last night on a particular motion. It had another motion today. The motion the government purported to rely upon last night died at midnight last night. There was another motion voted upon today, which is now the operative motion. That makes this a very timely point of order, because this point of order by both Mr Duncan and myself refers not to any previous motions that permit evening sittings; it refers to the very specific motion for which notice was made and which was voted upon today and which the government relies upon for this evening's sitting. That's number one.

Two, I put to you that at the very worst—I put to you that it's not necessary to consider last night, because you can't create precedent by acquiescence. Precedent is

created by active conduct. Precedent is created by a ruling.

If, for instance, Mr Speaker, you, or a Speaker, permitted me to use unparliamentary language with respect to any given government member over and over and over again, the fact that a Speaker at some point says, "Oh, member for Niagara Centre, that language is unparliamentary," cannot be defended by my saying, "But previous Speakers never prevented me from calling somebody a whatever." So you can't acquire precedent by acquiescence.

Three, with respect to yesterday evening, I submit that it was, if one refers to the record, *prima facie* out of order, but that at the very least there was an implied—if there were any implications—consent by virtue of there having been no objection made to the utilization of last night's session from 6:45 to midnight.

There ain't no implied consent today. There is a clear point of order before you. What you have to look at, with respect, is at the motion the government relies upon, at the bill and whether or not it's a private member's bill, government bill, and at whether or not that motion permits that bill or any other private member's bill to be called this evening.

I appreciate that the government House leader is not pleased about this turn of events. I wish I could do something for him. I wish I could make life a little more pleasant for him this evening, but I can't.

**Mr Gilles Bisson (Timmins-James Bay):** On the same point of order, Mr Speaker: I just want to add two points, and I'm not going to belabour it. Clearly, our standing orders deal with private members' business and government bills separately. For the government House leader to say one and the other are the same is a complete stretch. If we look at the standing orders as they're written, we deal with private members' bills in one procedure and we deal with government bills in a totally separate procedure. So to accept the government House leader's argument that both types of bills can be dealt with in the same way at third reading is completely a stretch. All we need to do is take a look at our standing orders. How we pass private members' bills in this House is totally separate from how we pass government bills.

The second point is that the government House leader made the point that at times at the end of sessions, we have dealt with private members' bills. The key point, as my House leader has pointed out, is that that is only by unanimous consent. At no time are we dealing with private members' bills by way of a government bill. You've been here, Speaker, and you understand far too well how it works: only by unanimous consent do we allow a private member's bill to go forward.

For the government to put forward the argument that these private members' bills be dealt with as government bills I think is completely off the mark. Private members' bills are totally separate, as set out in the standing orders, from government bills.

**The Acting Speaker:** Is there anyone else who wishes to be helpful? I am going to take five minutes to consider this. This House will stand in recess while we do that.

*The House recessed from 2221 to 2228.*

**The Acting Speaker:** First, I would like to thank the member for Windsor-St Clair, the member for Niagara Centre, the member for Timmins-James Bay and the government House leader for their assistance in this matter.

I would bring to members' attention that standing order 9 states that a night sitting must be limited to government orders, private members' business, or both. I might be inclined to agree with the member if this was all the guidance I had. Yet standing order 96(f) clearly states that private members' bills, having been given second reading, shall be called in the same manner as government business. This is a standing order. This has been our practice. I therefore rule that this order is properly before the House.

The Minister for Northern Development and Mines had the floor.

**Hon Jim Wilson (Minister of Northern Development and Mines):** I'll just be quick and recap for the people at home that we're talking about Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters. This bill was put forward by the member for Waterloo-Wellington, Mr Ted Arnott, who has done an excellent job on this piece of legislation.

To me, it boils down to a very simple concept, the concept that's cherished by our society and is the *raison d'être* for this Legislative Assembly and all Legislative Assemblies in the British parliamentary system, and that is to preserve freedom. For the people at home, what the Professional Fire Fighters Association wants to do and has been doing, and it's even written into collective agreements, is stop their members from volunteering back home on their own time to fight fires in their local fire brigades.

If you live in New Tecumseth, Clearview, Grey county, most of Simcoe county, Huron county, all of rural and small-town Ontario, throughout this province and this country we rely on volunteer firefighters and we especially appreciate those volunteers who also have the full-time job of professional firefighter. They bring expertise, they bring knowledge, they bring experience and they bring in fact human power to our local brigades, and they're very much valued and very much appreciated. No union, no association, no body not elected by the people at large should have the power in any democracy to tell you what you can or cannot do on your day off. Many firefighters in my area who volunteer locally also are professional firefighters in the city to Toronto; for example, I have firefighters from New Tecumseth and Alliston who perform both roles. The fact of the matter is they have five days on, when they're firefighting professionally in Toronto, and they have five days off. Their association, because of a powerplay, simply wants to stop



them from volunteering in Alliston, Tottenham, Beeton, New Tecumseth and throughout my riding.

It's a very clear issue of freedom, a question of justice, a question of fairness and a question of good citizenship. As legislators you have to ask yourselves a few questions. Is this fair? No, it's not fair. It's not fair that anyone tells you what to do on your own time in a free and democratic society. Is it just? I have a degree in religion. A simple test of justice for all of us is: does that firefighter who volunteers on a free basis in their local community on their own time deserve to be punished? Did he or she do anything wrong? I think most objective people would say no. In fact, they're upholding good citizenship. The best definition of good citizenship that I've heard in my life is that if at the end of the day the people you meet, the places you work in, the communities you live in are better for the very fact that you were there, that you were there that day, then you've embraced good citizenship that day. Are our communities better because volunteer firefighters who are also professional firefighters risk their lives, risk their safety, risk their loved ones to save other people's loved ones? Yes, they are.

On a number of fronts this bill deserves to be supported. Firefighters do not deserve to have their union tell them what to do on their spare time. It's a great Conservative principle and I wish it was a principle the New Democratic Party, who were rude last night, who were vicious in their attack on freedom and in fact on this member and many of my colleagues who stood up for freedom in this Legislature, and I'm glad they were, because I've had my doubts whether I'm running again or not, but my doubts were put to rest when I spoke at midnight last night. People have to defend freedom in this society, and if they won't do it and if the Liberals won't do it, then, by God, I hope the majority of members in my party will do it. People deserve to have their rights protected.

Mr Speaker, in the beautiful prayer that opens this Legislative Assembly, which you read on our behalf every day at the opening of the session, the beautiful words you recite on behalf of the people of Ontario to guide us in our deliberations in this assembly, there's the wonderful line that says, "Inspire us to decisions which establish and maintain a land of prosperity and righteousness where freedom prevails and where justice rules."

This is a bill that allows members to live up to those beautiful words, indeed a prayer to God, and to face their God and face their fellow citizens and say, "Today we embraced good citizenship. Today my community is better. Today the rights of volunteer firefighters are protected. Today I did what my constituents want, what my conscience dictates and what the people of Ontario deserve."

With that, I now put the question.

**The Speaker (Hon Gary Carr):** Mr Wilson has moved that the question be now put. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 2236 to 2306.*

**The Speaker:** Mr Wilson has moved that the question be now put. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Hardeman, Ernie	Murdoch, Bill
Baird, John R.	Hastings, John	Newman, Dan
Barrett, Toby	Hudak, Tim	O'Toole, John
Beaubien, Marcel	Jackson, Cameron	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Snobelen, John
Clark, Brad	Johnson, Bert	Spina, Joseph
Clement, Tony	Kells, Morley	Sterling, Norman W.
Coburn, Brian	Klees, Frank	Stockwell, Chris
Cunningham, Dianne	Marland, Margaret	Tascona, Joseph N.
DeFaria, Carl	Martiniuk, Gerry	Tsubouchi, David H.
Ecker, Janet	Maves, Bart	Tumbull, David
Elliott, Brenda	Mazzilli, Frank	Wettlaufer, Wayne
Galt, Doug	McDonald, AL	Wilson, Jim
Gilchrist, Steve	Miller, Norm	Witmer, Elizabeth
Gill, Raminder	Molinari, Tina R.	Young, David
Guzzo, Garry J.	Munro, Julia	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Colle, Mike	Levac, David
Bartolucci, Rick	Conway, Sean G.	Martel, Shelley
Bisson, Gilles	Crozier, Bruce	Martin, Tony
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hampton, Howard	Prue, Michael
Caplan, David	Hoy, Pat	Ramsay, David
Christopherson, David	Kormos, Peter	Ruprecht, Tony
Churley, Marilyn	Lalonde, Jean-Marc	Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 47; the nays are 30.

**The Speaker:** I declare the motion carried.

Mr Arnott has moved third reading of Bill 30. Just so we're clear too, on both sides: for the side that doesn't favour, because this could be a close one, it's not going to be a shouting match. We'll try to get a consensus. That side that doesn't agree, five members stand. We can have bells. Just so you're clear on both sides.

Is it the pleasure of the House that the motion carry?

All in favour will please say "aye."

All opposed will please say "nay."

We need a sound meter. We're clear on what can happen, so we do have a recorded vote with the standings. In my opinion, the ayes have it.

Call in the members; this will be a 30-minute bell.

"Pursuant to standing order 28(h), I request that the vote on Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters, be deferred until December 10, 2002."

*Interjections.*

**The Speaker:** Sorry. I apologize; that it be deferred until December 11 after orders of the day.

**Hon Mr Stockwell:** I want to apologize. That was my fault, I say to the opposition.

ONTARIO SOCIETY  
FOR THE PREVENTION  
OF CRUELTY TO ANIMALS  
AMENDMENT ACT, 2001

LOI DE 2001 MODIFIANT LA LOI  
SUR LA SOCIÉTÉ DE PROTECTION  
DES ANIMAUX DE L'ONTARIO

Mrs Munro moved third reading of the following bill:

Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Speaker: I will be brief, but I rise on a point of order. I submit to you that this bill is not in order, with the same—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. I'm going to be very clear now, folks. Tempers are up. People are yelling and screaming and I'm not going to put up with it. I'm not going to be mad. We are going to simply remove people, and I'm going to remove them quickly. Tempers are up when we sit at night, and I'm not going to put up with it. I want it to be clear to everyone. I am not going to take abuse of people yelling at me or anybody else in this House, and you will be removed. The Sergeant at Arms is prepared to remove you, if need be. I will have co-operation here. It's because of the way you behave that I have to act like this, but I will control this place.

**Mr Kormos:** Speaker, I understand your ruling on the previous points of order, but I submit to you, consistent with the arguments made with respect to the calling of M30, the calling of this bill is similarly out of order with references to standing orders 9 and 96.

**The Speaker:** It followed the procedures. It was in order. The last one was for the same reason that was given. I agree 100% with the ruling of the other Speaker.

**Mrs Julia Munro (York North):** I think many of us understand the importance of this bill that we are looking at this evening. Many of us have seen the kind of media attention that has been given on numerous occasions to the appearance of animals that have been neglected, animals that have been kept for breeding and sale.

This act is designed to address that particular problem. It is clear when the Ontario SPCA is called in to those situations where animals are kept in a way that demonstrates neglect. It is on the basis of that particular issue that prompted me to consider looking at methods by which to strengthen the Ontario SPCA act.

If you look at the act today, when those inspectors make a raid, the most that they can do is seize the

animals. The individual owner has the ability to appeal to the Animal Care Review Board. Again, the only mechanism that the SPCA has is to be able to seize the animals, go to the Animal Care Review Board and that board, then, makes a decision. If the owners are prepared, they can pay costs and have the animals back again. The SPCA can adopt a criminal process but the maximum fine is \$2,000, so this has meant that for years people have seen this as the cost of doing business.

This is a market-driven problem. People are tempted to buy, very often on a whim, on the appearance of a cute little puppy or kitten. Many people are driven by the fact that they want to rescue this little animal. Unfortunately what they do is simply line the pockets of the individual who is keeping the animal in a way that's inappropriate. The person who is conducting the business in such a way doesn't care what the motive of the buyer is. The fact the buyer has paid for this puppy or kitten is all they care about.

That's one of the problems this bill tries to address. The limitations by which the current legislation provides tools for the SPCA is one of the problems, and the fact there are hundreds of animals that are kept in these circumstances to provide the market and meet that demand. This is what prompted me to consider looking at this issue and how it might be addressed.

I also looked at other jurisdictions. It's quite clear to me that this is not a problem that exists only in Ontario; it's a problem that exists across the country and in North America. When you look at other jurisdictions, they often seem tangled in legislation that is very prescriptive, very costly, and quite frankly, really only serves to identify responsible individuals, because just as with gun legislation criminals don't register their guns, so equally, those people who are raising their animals in inappropriate conditions aren't the people who are going to sign up for a registry to become part of any kind of program.

I think it's important to note that this is not a problem that is unique to Ontario, but it is a problem that obviously we, in this Legislature, have the power to make a difference on for the people of Ontario, and in this case I would argue, as importantly, for our puppies and kittens.

When I looked at the various jurisdictions and the kind of legislation other people were dealing with, I recognized some of the limitations: whether it's the cost, whether it's the problem of the wrong people being covered by the legislation, whether it's unduly punitive. Some jurisdictions look at numbers, and numbers are not the issue.

I began to consult with various groups of people, including a number of veterinarians who have participated in raids with the OSPCA, a number of veterinarians who have treated animals that have come from these circumstances, and a number of veterinarians who have had to tell their owners that while they have a really cute, harmless, sympathetic little puppy or kitten, they will also have a huge vet bill because they are looking at an animal that has not been raised with any kind of care or consideration.



I also talked to the Canadian Kennel Club, and from them had the perspective of the fanciers, the breeders, across the country who try to maintain standards that allow them to present themselves to the buying public as responsible breeders.

I also talked to the Ontario SPCA and asked them, if they were to look at the key issue around their raids, what was it that prompted them to go to a business? What was it they found? What was it that was most unsavoury about the kind of circumstances they came across? Their answer to me was very clear. It centred around the issue of neglect. That is the key point they observe when they go to any of these places. They saw animals that were inadequately housed. They saw animals that were put in situations that might be dangerous to them. That might simply be having too many in one pen. It might be having inappropriate age ranges of animals together. There were situations where animals were actually ill, where they had not been adequately treated in terms of veterinary care.

2320

From that, I understood that the most important thing the SPCA dealt with was the question of neglect and therefore the question of care. What followed from that was that I created a definition, because so many jurisdictions struggle with, what is a puppy mill? In the public mind, there is the notion of numbers, the notion of crowding, the notion of adults being bred in an irresponsible way. There's the notion of puppies not being adequately cared for, not being socialized; for instance, having genetic testing and so forth. It became clear to me that was the critical piece we had to deal with.

Rather than get caught up with what had happened in so many other jurisdictions where they looked at numbers, where they looked at specific breeds, and looked at the number of breeds in some jurisdictions, it became clear to me that what we want as legislators, that what we want to be able to support the work of the SPCA, is to give them a clear direction that it is standards of care that is the key issue. None of the other issues are germane to the issue of neglect.

I think it's important to understand that what we are doing here is establishing landmark legislation that will provide the SPCA with a framework that allows them to look at care as the key issue, and gives them more tools by making this a provincial offence. This is something they have certainly asked for, because as I pointed out, currently all they can do is seize the animals, seize the dogs or cats, have a hearing with the Animal Care Review Board, and, looking to the federal Criminal Code, the possibility of a \$2,000 fine.

Once the bill had been debated, I had the opportunity to visit with a group of veterinarians. It was really interesting to hear their stories. They supported this. They sometimes see the inappropriate choices people have made. These little creatures, because usually they are available at a very young age, come to them suffering from the long-term neglect they will have had in their very short lives. One of the vets told me he was involved

in a raid in the 1960s. This problem has been there since then.

This bill, if passed, would give the SPCA the tools that would allow them to take that issue of neglect and be able to charge a provincial offence. That is the essence of this bill.

I think it's really important to understand why the key should be the importance of the standards of care. There are people who make it a business decision to have large numbers of dogs or cats. There are certainly businesses in Ontario that do have many dogs or cats, but these animals are kept in adequate housing, they're fed and cared for in an appropriate fashion and their inoculations are up-to-date. These are examples of the standards of care we're talking about. If those people wish to make that kind of business decision, they will not be impacted by this proposed legislation.

We will not walk down the path that others have, which has created registries and onerous limitations in terms of the number of animals and things like that, because at the end of the day that has nothing to do with whether or not the dog or cat is being well looked after. It is the responsibility of the SPCA to look after the welfare of dogs and cats.

To be able to give them this piece of legislation, which gives very clear standards about food and water, shelter, adequate medical attention, the appropriate size and space they are allowed in an enclosure, and the safety of that enclosure—those are things that are very clear for the SPCA inspectors when they go to identify if this is a place where those standards are met. It means, then, that by definition we're talking about a standard that all will adhere to, whether they have two or three dogs that are kept for breeding and sale or whether they have 60. I think that's the really critical piece that allows this legislation to potentially be landmark legislation. Those people who make the business decision to provide the market with a number of dogs, whether it's 100 puppies a year or six puppies a year, every single one of them is going to be under the same umbrella, the same legislative directive. I think that is the most important thing this bill does.

We need to look at the fact that in this legislation we have avoided the pitfalls so many other jurisdictions have fallen into by looking at a specific number of animals, of dogs or cats, that triggers some kind of special consideration. As we're looking at the time of year when people are often tempted to look at the purchase of a puppy or a kitten, we should also be looking at the manner in which that puppy or kitten has been raised, because it is that secure, confident puppy or kitten that is going to be the kind of pet people want as the family pet.

It is certainly clear from the kinds of evidence the SPCA has gathered over the years that there are those who have obviously been irresponsible in raising those puppies and kittens. I suppose one thing one could say about the bill is that for so many years there has been such an opportunity for people to provide animals to the marketplace that frankly have caused a lot of grief to their new owners because of the way they have been raised.

2330

This bill, then, is all about making sure that does not continue to happen. It's all about creating a public awareness that people should expect that the puppy or kitten they purchase is going to have had the kind of careful raising that will serve them as that future pet in their own home.

I want to close by suggesting to you that the bill is based on the practical realities of what happens in our province on a daily basis and the need to provide the Ontario Society for the Prevention of Cruelty to Animals the kinds of tools that will allow them to do more than they have previously been able to do, which is simply to seize animals which the owner could then come back and claim. So we have clear guidelines for the SPCA. They have the power to lay a charge as a provincial offence. We are also looking at ensuring that the buying public has some measure of protection, that they can assume that the puppy or kitten they are about to purchase has had the adequate care, food and shelter that will ensure that it is in fact the pet they want to purchase.

**The Speaker:** Further debate?

**Mr Mike Colle (Eglinton-Lawrence):** Thank you, Mr Speaker, for the opportunity to speak on this bill that has been brought forward to us at 11:30 at night. I know why they want to bring forward this bill in the middle of the night: because they're trying to pull a fast one. I know the member for York North fails to inform the public out there that she has a financial interest in this bill because she's a breeder. Her family has been involved in breeding dogs for years. So I don't know why she wouldn't mention to you that she has a bias, at least, if not a conflict, if not a financial interest. So she comes to this piece of legislation from a different perspective. She's in the business of breeding animals.

I am not in the business of breeding animals. I do own a dog. I have been involved with a lot of caring people across this province who are just horrified at what has been happening to innocent animals right under the nose of this government, which repeatedly has done nothing to stop the systemic abuse of animals, whether it be cats, dogs, horses. This bill is really a very devious attempt to make people think something is being done, when the member for York North knows specifically that the Ontario Society for the Prevention of Cruelty to Animals told you that your bill would do more harm than good.

Let me quote from their press release of March 13. This is the group she says she's trying to help. Vicky Earle, the CEO of the society, said, "They have ignored these amendments that have been sitting on their desk since June, 2001, and instead have rallied behind Julia Munro's private member's bill which is so problematic that the Ontario SPCA cannot support it."

The Ontario SPCA wants real tools to do its job. This bill gives them nothing. It gives them more problems than they had before, because people will think the problem is going to be attended to. Well, it's not.

The member for York North was in committee when this bill was there, and I proposed all the amendments of

the SPCA that they thought would make the bill somewhat more meaningful. She rejected each one of these amendments. She and her committee would not make the SPCA amendments part of her bill. She turned every one down.

Here's what she turned down. First of all, the SPCA asked that all animals in a state of distress be treated, not just kittens and puppies, because we have cases of people breeding birds that kill each other; we have horses that are in a state of distress. The SPCA says "animals" should be included, not just her narrow definition. She refused to listen on that.

She also refused to support making it possible for a judge to ban puppy mill owners from owning animals for the rest of their lives. She also refuses to allow SPCA officers to enter a property without being obstructed. That's the problem. She says there's an interest in the standard of care. Well, the SPCA officers can be obstructed by property owners. These puppy mill breeders can stop these officers from entering their property so they can't even find out what's going on.

This very weak, phony bill also refuses to recognize the fact that there are pet stores across this province that make millions of dollars a year selling animals in their little windows in the plazas across this province. This bill will not stop one pet store from selling truckloads of dogs and cats that come in across the border and that are probably coming in now for the Christmas season, where unsuspecting children and families are going to buy these poor animals that come from puppy mills in the States. This bill refuses to deal with that. That's the kind of bill we need.

She doesn't want to be tough on the breeders in these puppy mills. She doesn't care about them. She cares about the business interests who are behind the puppy mill industry, all these pet stores that make millions on unsuspecting children and families and abuse animals while they're making their millions. This bill doesn't include that kind of protection. That's why the SPCA does not support it.

She also refused to make it an offence to train animals to fight other animals. That should have been in this bill. It's not here. All over this province there are people who train certain breeds of dogs like pit bulls just for the sake of fighting and killing each other. She did not include that in this bill because this bill, again, is just an attempt by her and her party to respond to the outrage across this province where over 230,000 people have signed a petition asking for the OSPCA's tough amendments to be included. Some 230,000 Ontarians said they wanted tough amendments to protect animals, and she refuses to put those amendments in her bill. She doesn't support the 230,000 people who said they want tough regulations and they want these puppy mills put out of business.

Instead, this bill will continue to foster the puppy mill industry because it has essentially given no tools to the people who are underfunded and trying to cope with this plague across this province. They know that in Ontario anybody can be a so-called breeder. To own a dog in



most municipalities, you need a licence. Well, if you're a breeder in Ontario, you don't need a licence. Anybody can claim to be a breeder: in a backyard, behind a barn, anywhere. You don't even need a simple licence to be a breeder. That's why we've got 400-plus of these illegal bandits, pirates, these scum across the province that are breeding these animals in conditions that are horrific. We've seen them on CTV, on CBC. They're in every community across this province, where animals are kept in their own feces and are basically not fed, not even provided with water. We've got 400 of these scum operators, and not one of them will be put out of business by this weak attempt to pretend they're doing something.

That's why advocates who have been fighting for a little bit of protection against this kind of abuse do not support this private member's bill, and that is why she refused to support my private member's bill and her government colleagues voted it down, because my bill asked for an outrageous thing: it asked for breeders to be licensed. They rejected that. If you own a restaurant, you need a licence. Most people in business require some kind of licence, but in Ontario a breeder can breed thousands of animals, make millions of dollars, with no licence, no inspection. You get inspected by no one.

You know what they do? They say, "I have a Canadian Kennel Club membership." Well, they're forged all over the place, plus with the Canadian Kennel Club, you pay your money and you get your membership.

2340

A consumer who gets an animal that has possibly been a product of a puppy mill has nowhere to go to complain. Every day, there are ads in the newspapers; they're sold. Somebody just e-mailed me something tonight when they found out about this horrific attempt by this member to pretend she's doing something. It said there are people at the Pickering flea market selling these poor animals in horrific conditions at the local flea market every Saturday. This is the type of thing that's going on all over the province.

The SPCA just had to lay off 15 people. They can't keep up with it. They don't have the staff. For instance, they've been after the infamous Miesner family north of Toronto since 1968. They still haven't gone to court on their latest thing. They hire expensive lawyers; the SPCA can't afford to spend days and months in court. The Miesners have been in court now for the last three years. The case hasn't even come before the judge yet because of the money they have.

This bill will not put the Miesners out of business. In fact, I call this the Miesners protection act. That's what it does. It ensures that these bandits, these people who don't pay taxes—they abuse animals, they abuse consumers—are going to relish this bill; they're shaking in their boots when they see this bill brought forward by someone who's got an obvious bias because she's in the business of breeding. She doesn't like to tell people she does that for a living, and she should, because this is not about business. As a lot of people say, a civilized society

is ultimately judged by how it treats the most vulnerable and defenceless in its ranks.

It doesn't matter whether or not you're an animal lover or an animal owner, a pet owner; it's about decency and humanity. We don't have to be extremely involved in animal protection, but we have to understand that there's a direct correlation between people who abuse animals and people who abuse human beings. That's why it's important to do something about this. That's been verified in study after study.

The thing that's astonishing—I've got a cabinet document here from last June, marked "Confidential Document: Amendments to the Ontario SPCA Act." It's for the Minister of Public Safety and Security, the committee for justice and intergovernmental policy. It says "Confidential document, Draft 7." It's a 38-page document that basically says that animal abuse in this province is a serious issue, that the government should do something serious about it. They tell us why it has to be treated seriously.

In 2001, there was considerable coverage of the rescue of 300 dogs from a number of puppy mills in Ontario. In April 2002, OPP officers busted a large-scale cock-fighting operation southwest of Collingwood. In Toronto, "...involving horrific animal cruelty resulting in convictions against two men." That was the famous case of the Kensington cat. I sat in the courtroom down here at city hall with people who were so upset that this type of cruelty could take place in this city.

It takes place because there are no laws to protect animals who are in distress. This bill will not stop these maniacs who are torturing animals. We saw the case two weeks ago of a person who horrifically set a cat on fire and threw it out the window of a car. We saw cases every couple of months of a poor animal dragged behind a car or a truck. This bill will not protect animals in distress. Those animals will continue to be abused by these lunatics because there's no prevention out there.

This is such a soft piece of fluff that it will encourage people who are in the business of puppy mill breeding, will encourage people who think it's a joke to abuse animals to continue to do so, because it leaves the illusion that something is being done and that it's not a serious matter. That's why people across this province are saying that protecting these animals is not going to cost any more money. What costs us money is spending all this time in court trying to put these puppy mill breeders out of business. That's what costs the government money. The police are called constantly.

I've been all over this province talking to the police, to the humane societies. I've been in Kingston, Belleville, London, Orangeville. These are people who care. They can't do their job because they're underfunded and they're spending all their time in court. If you put in good animal protection, you won't need to spend all this time in court, in federal court, hire lawyers, spend 25 years trying to close down the Miesners. It's really scandalous that those operators like the Miesners are operating all across this province and nothing is going to be done. This bill is going to give people the impression that everything

is OK, that they passed a bill down at Queen's Park. That is what is so abhorrent. I don't know how to say this. Basically, I don't see the motives here.

We know from cabinet submissions that something could be done. Her own cabinet submission says, the experts in her government say emphatically that something serious should be done. She even contradicts the cabinet submission. The recommendation to cabinet was that the cabinet committee on justice and intergovernmental policy recommended that cabinet approve legislative amendments to the Ontario Society for the Prevention of Cruelty to Animals Act. The amendments would create provincial offences—failure to comply with duties of ownership; owner or person having custody, care or control of an animal causing or permitting animal to continue to be in distress—they talk about animals in distress. That should be included in here; it's not.

They also say that in the legislation—this is her own experts in the ministries, in justice—obstructing an inspector or agent in the discharge of duties or the exercise of powers under the OSPCA Act, the regulations. That should be included in there. Failure to comply would result in a fine. Also they said to include an offence for people who engage in the practice of training an animal to fight another animal.

These are all things in this very well researched cabinet submission that was given to the Minister of Public Security. It was turned down by this government. It was turned down by, I guess, people like Julia Munro, the member for York North. Instead she's trying to pawn off a piece of fluff that I consider dangerous, because as I said, it's going to let people let their guard down. That's the worst thing about it. She's going to go around telling people she has done something. There are going to be ads from the government saying they've done something. I really wouldn't want that on my conscience.

That is what this thing is going to do. It's going to give people a false sense of security that the government is doing something. In this cabinet submission the Ontario government even recommended all the things the SPCA wanted, and not one of them of any significance is in this piece of legislation. So we're going to have this ongoing systemic abuse, this profiteering, this inability of professionals who are out there trying to do their job to protect animals—they're not going to be able to do it.

It's especially an affront to all the caring people across this province who really want to see something done. This is not, as I said, just a small group of people. In the history of this Legislature, I don't know if there have been 230,000 people to sign a petition that said they wanted some tough rules in this area. I don't think there has ever been. These are people who are police officers, businesswomen, businessmen in Kenora. The petitions were signed. I went around getting them signed. Everybody signed them. They said, "Yes, please do something. That's what government should be for." That's 230,000 people who said "strong legislation."

2350

Instead, what we have here is a denial of that request for all those people who said government should do

something that is tough against these criminals—and they're criminals, because they're basically systematically abusing animals. I think that's a criminal act. And they're doing it for profit. We're not talking 100 dogs or cats; we're talking hundreds of thousands of defenceless animals. As I said, if we've got these people in our society, you can imagine what they're doing. If they're going to be cruel to an animal, you can rest assured they're going to be cruel to human beings. So if we as a society can't do the right thing here and take this expedient route—and we've even offered amendments, we've offered to strengthen it; and the government is refusing to do it.

Here's just a small comment from a senior citizen who contacted me today. She's a grandmother in her nineties who lives in North York. Her name is Shirley Baine. She said, "In the Torah, in ancient Jewish law, they have a great deal of respect for their animals, and they even have a saying that you should feed your animal before you feed yourself." That goes back to the time of Abraham.

Then I look at what we do in this province with all our resources, our ability to enact a piece of legislation that won't cost any money, gets respect back in many communities, relieves the pressure on police forces, OSPCA officers. Instead, what we come up with is this attempt to basically make people believe that something is going to be done when the member from York North knows that this is just a facade. Sadly, the systemic abuse will continue, the puppy mill operators will continue. The trucks of puppies will come across the border for Christmas, be sold in these pet stores, and they'll all be basically for dollars. It's a sad, sad day.

**Ms Marilyn Churley (Toronto-Danforth):** There are just a few minutes left tonight, and I'm sure everybody is relieved about that, including the thousands of people across the province who have been watching tonight to see what would happen with private members' bills, the thousands of people from the adoption community, who were hoping very much that that bill might be called. I'm sad to say to them, as we discuss the puppy mill bill before us tonight, that that's not going to happen tonight.

In terms of the bill before us—cruelty to puppies, to animals—of course we all agree that something has to be done, and I have spoken to Ms Munro's bill before and expressed my view that I didn't think it was strong enough and, as Mr Colle just said, that it has a number of problems and will not actually protect the animals that it supposedly will protect, if passed. We all support doing something about cruelty to animals, which we know exists out there.

I think we also all support in this Legislature doing something about cruelty to human beings. I want to speak about cruelty to puppies and animals, and I want to speak about cruelty to human beings, the thousands of human beings who have been adopted and who are trying to get medical information, who are trying to connect and trying to find out who they are. There's untold grief and pain out there. I was one of those myself, and I'm in touch with those people and I see their suffering on a daily basis.



So here we are. It's peculiar to me because I find that here we are in a situation where last night and tonight we're discussing two government private members' bills. I don't know what the end result is going to be. There are going to be so-called free votes on those bills, and yet the government House leader refuses to call my bill, because he doesn't support it. But I know from canvassing members in this Legislature that the majority of people here do. In fact, a recent study showed that up to 75% of Canadians support opening up adoption records.

When we talk about cruelty to animals and puppies—and I do want to say again that we need to pass a strong bill, a real bill. Mr Colle had a bill that would in fact have done that. This bill, if passed, is just a facade and in fact adds some dangerous elements that may in fact cause more harm to the animals she's saying she wants to protect.

I also want to again come back to cruelty to people and talk about Kariann Ford, an adoptee, who said, "The adoption agencies are neglecting to pass on [medical] information given by birth mothers who are trying to help their adopted children. Life-saving information is being withheld by the very organizations that have been put in place to help and assist."

Miss Kariann Ford was diagnosed a few years ago with life-threatening liver disease, which she had passed on to her children. By the time she found out, it was too late for her. The children are now teenagers and have this life-threatening disease.

Another person who came before our committee said that her reasons for searching for her birth family had nothing to do with being unhappy in the adoptive family. "They were initially, crucially, for medical information, because at age 34 I had undergone two surgeries, neither of which corrected the problem but left me progressively worse. At age 39, with medical information from my birth father's family I was finally correctly diagnosed." She goes on to say, "One of the difficult issues for me to resolve was that the surgeries and the length of time had

left me unable to conceive. I believe that if I had had my birth father's family information and been able to address the problem correctly at age 34, that my chances for conception would have been at least vastly improved."

While we stand here tonight and talk about rights and freedoms, human rights, the freedom to choose and all of these things, we recently had a doctor from North York General Hospital who came down to the Legislature to call on all legislators to pass the bill because, he says, with every day that passes adoptees lacking their family medical history are dying or are unknowingly passing genetic conditions on to their own children.

These are just a snapshot of the kinds of things that are happening daily to real human beings out there. So while I stand and talk about the need to bring in legislation to protect puppies and animals—and it's something I strongly believe in—I have to say to all of the legislators here tonight that you know that a majority of people want to see my bill, too, come for a vote; that my bill has everything to do with compassion and human rights. My bill deals with a person's right to choose.

Here we have tonight a situation where what they're talking about is a deal. Explain that to the adoptees out there. Explain that to them.

Mr Arnott got his bill tonight. It's going to be voted on.

*Interjection.*

**Ms Churley:** And you want to talk about deals, who broke a deal, who didn't break a deal. This has nothing to do with that. Explain that to the adoptees out there.

You're standing there saying, "You broke a deal." First of all, there was no deal broken. But that's beside the point now. It's off the table. Bill 30 is off the table. Mr Arnott got his way. The bill is going to be voted on.

**The Speaker:** I hate to interrupt the member, but it is 12 o'clock.

This House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2359

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**Official Report  
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Wednesday 11 December 2002

Mercredi 11 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 11 décembre 2002

*The House met at 1330.  
Prayers.*

### APOLOGY

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Late last evening, in a very in-temperate moment, I lashed out at you, and I wanted to stand in this House and publicly apologize to you, first as a friend and colleague but more importantly as the Speaker of this House and the person charged with keeping order. I was out of line both to you as a friend and to you as the Speaker, and I hope you will accept my humble apologies.

**The Speaker (Hon Gary Carr):** I appreciate that very much, and I definitely do. You're an honourable member, and I'm pleased to say we're still friends, if I can still say that. Thank you very much. That was a very, very honourable thing to do.

### MEMBERS' STATEMENTS

#### MEMBER'S COMMENTS

**Mr Dave Levac (Brant):** I rise in the House today to highlight the actions of the member from Haldimand-Norfolk-Brant opposite. I have been appalled by the continuous attacks the member has made on the Grand Erie District School Board for the difficult decisions they were forced to make due to the government's continuous mismanagement of the education system.

The Grand Erie District School Board also represents the public schools in my riding of Brant, and I have been outraged as the member for Haldimand-Norfolk-Brant has consistently undermined and blamed the school board but has taken no responsibility for his own government's mismanaged and fatally flawed funding formula that forced the school board to announce many schools on a closure study list.

The member should look carefully at the Rozanski document. Dr Rozanski clearly outlined that the provincial government's mismanaged, fatally flawed funding formula has forced many school boards in Ontario to close schools that should never have been closed and should remain open. Dr Rozanski advised the government to increase funding for small rural schools, just as the Ontario Liberals and others have been advising this government since it created the crisis seven years ago.

The member for Haldimand-Norfolk-Brant was too quick to point fingers at anyone but his own government. Now we see that Dr Rozanski has identified single-school communities, like those in the riding of the member opposite and in my riding, as having inadequate funds due to the fatally flawed funding formula implemented by the Harris-Eves government. I challenge the member to accept responsibility on behalf of his own party and apologize for the vicious attacks on that school board.

Dalton McGuinty and the Ontario Liberals have had it right all along about this fatally flawed funding formula. The Ontario Liberals, with our leader, Dalton McGuinty, have a real plan to fix and improve our publicly funded education system.

**Mr Ted Chudleigh (Halton):** On a point of order, Mr Speaker: It's a tradition in this place that members' statements is not used to attack another member of the House. He can express his own opinions about the education funding formula or Dr Rozanski's report, but an attack on another member in this House during members' statements is against the tradition of this place. I wonder if you might point that out.

**The Speaker (Hon Gary Carr):** I thank the member for the point of order. The member does know that there is a tradition—we certainly have slipped a little bit in our tradition? I would ask all members to kindly keep that in mind when we do it. Quite frankly, members' statements didn't used to be very political; they were of issues affecting the constituency. That also has changed. But I appreciate the member's point of order.

### RECOGNITION OF ACHIEVEMENT

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** In keeping with the spirit of the season, I rise to commend two people.

First, Dale Schott, a native of my riding who grew up in Glen Meyer, works as an animator here in Toronto, and his work could very well be viewed by some of our younger family members. Currently, Dale is a story editor for the animated *Moville Mysteries* on YTV. Growing in Norfolk, Dale enjoyed doodling and drawing pictures on his friends' muscle cars. It wasn't until he completed the animation program at Sheridan College that he realized he could turn this hobby into a successful career. Recently, Dale visited his hometown and talked to local students about his work. I commend Dale for his success, but most importantly I thank him for remembering his rural roots and sharing stories with others.



Secondly, I would like to commend Tom Millar, another resident of my riding, who recently received a Conservation Pioneer Award from the Conservation Authorities of Ontario. Tom is one of the founding members of the Long Point Foundation for Conservation. Since 1982 he has worked with the foundation, helping to invest more than \$980,000 in direct conservation works. Tom is involved in Ducks Unlimited and many other organizations.

It's nice to see that the work of both Tom Millar and Dale Schott does not go unnoticed.

#### EDUCATION FUNDING

**Mr Michael Bryant (St Paul's):** It is with sadness and anger that parents, teachers and students in midtown Toronto St Paul's riding received the Ontario government's funding formula critique, the Rozanski report. For years now, Ontarians have been telling the Harris-Eves government that there weren't enough teachers, vice-principals, education assistants, guidance counsellors, special education assistants and resources, transportation, ESL teachers and programs, textbooks, supplies, busing for special-needs students, and the cancellation of outdoor education and music programs, to name only a few of the education deficits wrought under this government. Just in the last few weeks I've joined parents and teachers across the riding of St Paul's at schools—like Hillcrest, Humewood and John Fisher just in December—to protest these cuts. We were all shaking our heads at the prospect of the grand old North Toronto Collegiate being razed, re-housed and paved over in a fire sale to make up for the Tory cuts to education.

Ontarians told this government that there wasn't enough, that there were things missing from education because of reckless cuts and reckless underfunding. The government said, "No, no, you're wrong. Everything is fine. The funding formula is working." It turned out that when your education watchdog took a look at the numbers, you were dead wrong. The government was dead wrong. Now you say you'll fix it, and nobody trusts that you'll fix it. Nobody trusts this government with public education. Nobody.

1340

#### WILLIAM KEACHIE

**Mr Michael Prue (Beaches-East York):** I rise today—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The member for Beaches-East York has the floor.

**Mr Prue:** I rise today to pay homage to a great man who recently passed away and to send condolences to his family and friends. That great man was Mr William Keachie. His funeral took place last week here in Toronto. He dedicated a lifetime of service to our community. Right to the end, even though he was 80-plus years old, he delivered meals every day for Meals on

Wheels. He was active in the East York lawn bowling club and was one of the founders and one of the people who continually showed up for the East York seniors' games and the Ontario Games.

But perhaps people know him best from his work in the Boy Scouts. He was a lifelong Boy Scout for over 50 years. He did remarkable work for the people, particularly for the young men in the Regent Park-Cabbagetown area, where he was a scoutmaster at what was then St Enoch's church. For generations of young men he helped to make the difference in a lifetime and in the lifestyle of that particular community.

He certainly had a great influence on my life and I think countless others. We remember him with pride. We remember him with gratitude. To his family and friends we give our condolences, but we ask them to remember that his contribution will go on and on. Thank you very much, William Keachie.

#### SCHOOL TEACHERS

**Ms Marilyn Mushinski (Scarborough Centre):** Yesterday both the Premier and the Minister of Education welcomed the Rozanski report's recommendations to improve education in Ontario.

I want to tell this House that I have proof that the education system is pretty good right now. That proof is in the work and dedication of a very special teacher, Mrs Peers. Mrs Peers happens to be the grade 1 teacher of my grandson Cameron at Donwood Park Junior Public School in my riding of Scarborough Centre. I prefer to refer to Mrs Peers as a professional educator. She is a mother and a Girl Guides leader and is actively involved in all aspects of community life. Above all, she puts kids first.

Recently, Cameron came home with his first report card. I don't particularly want to be a bragging grandma, but he did very well. More importantly, he enjoys school, largely because of his excellent teacher. He sings in the choir, he's learning how to play the piano and he will be enthusiastically participating in his first Christmas concert next week.

I want to salute the efforts of all hard-working teachers in Ontario who, like Mrs Peers, give their all so that our children and our grandchildren will have bright futures.

#### EDUCATION FUNDING

**Mr James J. Bradley (St Catharines):** The recently released report of University of Guelph president Mordechai Rozanski has exposed the damaging effect of massive cuts to education in Ontario since 1995 and has pointed the way to a solution to this mess.

According to the Eves government's own formula, there are 15,000 fewer teachers in the classrooms now than there should have been using the 1991 formula.

The Rozanski report is just the latest of several warnings given to the government about the damage that

would be felt by underfunding the education system, including a lack of adequate books and other educational tools, an inadequate number of teachers, the closing of schools based upon far too restrictive guidelines, the disappearance of secretarial and custodial staff, the deterioration of existing buildings and the deletion of vice-principal positions. Transportation has been severely stressed for the past seven years as well.

The dire need for vast improvements for the support of special education has been brought to the government's attention by the opposition time after time, only to be greeted with accusations of scaremongering by successive education ministers and Premiers.

Now, yet another independent voice has called for an infusion of \$250 million for special education to meet this obvious need. What Dr Rozanski has recommended is not new to the government. It is clear that many of his recommendations should have been implemented long ago.

This is an investment in education that is required. Dr Rozanski is an independent voice. Take action now.

#### JOHN HAYES

**Mr Joseph Spina (Brampton Centre):** As we draw nearer to the festive holiday season, it is my pleasure to salute and give special thanks to a long-time organizer of the Brampton Santa Claus parade and friend, John Hayes.

John is semi-retiring this year as co-chair of the magical nighttime parade after a successful run of nine years. He was honoured at a special awards ceremony in Brampton recently for his leadership, dedication and hard work. He may be giving up the co-chair title, but he assures everyone that he'll be around to assist in more parades to come.

Organized by the Brampton Board of Trade, with the sponsorship of the Brampton Rotary Club, the parade has grown from a few thousand parade watchers in 1985 to the nighttime illuminated grand spectacle it is today. Over 100,000 people lined the streets this year to see 95 festively decorated floats and bands. It is the largest Santa Claus parade in Ontario outside of Toronto. Children personally deliver their wish lists to Santa's elves.

I applaud all the dedicated volunteers, such as the Brampton District Jaycees, who have helped marshal the parade since its inception 18 years ago. I'm proud to have been the founding chair of the Brampton Santa Claus parade, and I'm very proud to see the tradition that John Hayes carried on as the chair of that committee in making it the most successful parade in Ontario.

Merry Christmas to all, and to all a good night.

#### EDUCATION FUNDING

**Mr Joseph Cordiano (York South-Weston):** The Rozanski report confirms all of our worst fears and those of parents and students out there: the fact that they have

been getting shortchanged by this government for many, many years when it comes to education—severe underfunding—and it has led to the closure of many schools.

In my riding, the York Adult Day School is scheduled to be closed in January. Those 600 students, many of whom were here the other day, will have nowhere to go, because there are waiting lists at the remaining schools. There are waiting lists, and they are operating at full capacity, so they have nowhere to go. Six hundred students simply cannot continue their education, a second chance for most of these students. Single moms, parents who are struggling to make ends meet, who have kids in school themselves, need to continue with their education. What does this government say? They are turning their backs on those people who should be getting help to help themselves and help their families. This government turns its back and doesn't want to have anything to do with it.

Frankly, the Rozanski report confirms the fact that this government has shut the door when it comes to education, and adult education in particular. They have closed the door on all those people: new Canadians, single mothers. They really don't care about their concerns. They really have shut the door on them. Shame on you, government.

#### SIR SANDFORD FLEMING COLLEGE

**Mr R. Gary Stewart (Peterborough):** I'd like to take this opportunity to relate a good-news story from my riding of Peterborough. Our community college, Sir Sandford Fleming College, and its board of governors took a substantial risk this year in running an operating deficit for the first time in the history of the college. They took this risk in order to mount new programs and to expand additional sections in established programs in order to fulfill access obligations. Some of the new programs are computer security and investigations, pre-service firefighting and practical nursing.

Also, the college believed there would be a greater demand this past fall from students who are fast-tracking. This belief was confirmed, as first-year enrolment increased by 14.8% and winter intake registrations are presently running 40.8% ahead of registrations at this time last year.

I'd like to congratulate Sir Sandford Fleming's president, Brian Desbiens, its board of directors and its employees. The substantial risk in running an operating deficit paid dividends for the college, its students and our government. Everyone is a winner. Our government's recent announcement of a \$500,000 increase in operating grants benefits Fleming college because it will assist them in closing their operating deficit for 2002-03, and the entire student body will benefit greatly from the added programs and increased access.

I feel this is a great example of the college and our government working together to provide excellent post-



secondary education opportunities for the citizens of this great province.

### VISITORS

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: I'd like to introduce, in the west gallery today, some very special citizens from Brantford, Mr George and Mrs Evelyn Stapleton, and from Paris, Mr Doug and Mrs Eva Brockbank, who have joined us today in an event that raised money for our hospital system in Brantford and Paris. I want to thank them for participating. They got to see what's going on in our democracy and they are waiting with bated breath for question period.

I want to thank them for being here, and we welcome them.

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** On a point of order, Mr Speaker: I'd like to welcome some very important visitors from eastern Ontario. They are from my own area: my brother-in-law Michel Charron and his wife, Madeleine, Colette Sarazin and Madeleine Hurtubise, who are here with us today. Welcome to Queen's Park.

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Speaker: I'd like to welcome to the House the assembled chiefs of the Mushkegowuck council. We have with us today Chief Leo Friday from Kashachewan. We also have with us the chief and deputy chief from Moose Factory, Norm Hardisty and Charlie Cheechoo. We have with us as well chiefs from the assembled communities of Fort Albany and deputy chiefs from different communities.

This is a bit of an historic occasion: we'll be meeting later on this afternoon with various ministers of the crown, and we're looking forward to this opportunity for the chiefs to meet with the cabinet ministers. I'd like to welcome them to this assembly.

**The Speaker (Hon Gary Carr):** Welcome to our guests.

**Mr Ted Arnott (Waterloo-Wellington):** On a point of order, Mr Speaker: I wish to welcome those of the Firefighters Association of Ontario who are here today as well. Please join me in welcoming them.

1350

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that today the Clerk received the 13th report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

#### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk Assistant (Mr Todd Decker):** Your committee begs to report the following bill as amended:

Bill Pr17, An Act respecting the Reena Foundation.

Your committee further recommends that the fees and the actual cost of printing at all stages be remitted on Bill Pr17, An Act respecting the Reena Foundation.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

### INTRODUCTION OF BILLS

#### AN ACT RESPECTING CANTERBURY UNIVERSITY COLLEGE

Mrs Papatello moved first reading of the following bill:

An Act respecting Canterbury University College.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mrs Sandra Papatello (Windsor West):** Canterbury College, the applicant, has applied for special legislation to alter its organizational and administrative structures, and to change its name to Canterbury University College.

#### SUPPLY ACT, 2002

#### LOI DE CRÉDITS DE 2002

Mrs Ecker moved first reading of the following bill:

Bill 229, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending on March 31, 2003 / Projet de loi 229, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2003.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

#### ADULT PROTECTION ACT, 2002

#### LOI DE 2002

#### SUR LA PROTECTION DES ADULTES

Mr Bartolucci moved first reading of the following bill:

Bill 230, An Act to protect adults from abuse and neglect / Projet de loi 230, Loi visant à protéger les adultes contre la maltraitance et la négligence.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Rick Bartolucci (Sudbury):** This Adult Protection Act provides for the appointment of the director of the adult protection office to provide protection for abused and neglected adults who are unable to protect themselves from abuse or neglect due to physical or mental disability or infirmity.

The bill provides for mandatory reporting of adult abuse or neglect to the director of the adult protection office and requires the director to make inquiries with respect to all such reports.

An abused adult is an adult who is either a victim of abuse on the premises where he or she resides, is incapable of protecting himself or herself from abuse by reason of physical or mental disability or infirmity, and refuses, delays or is unable to make provision for his or her protection from abuse.

Abuse means one or more of the following: physical abuse, sexual abuse, emotional abuse, medication abuse, financial abuse or abuse of the person's rights and freedoms.

I move this and hope that the House adopts it quickly.

EDIBLE OIL PRODUCTS REPEAL  
DATE AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT  
LA DATE D'ABROGATION  
DE LA LOI SUR LES PRODUITS  
OLÉAGINEUX COMESTIBLES

Mrs Johns moved first reading of the following bill:

Bill 231, An Act to amend the repeal date of the Edible Oil Products Act / Projet de loi 231, Loi modifiant la date d'abrogation de la Loi sur les produits oléagineux comestibles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

**Hon Helen Johns (Minister of Agriculture and Food):** This amendment I am tabling today is a result of a great deal of consultation with many key individuals over the last few weeks, days and even hours. On the industry side, the Dairy Farmers of Ontario and the Ontario soy bean growers worked hard with producers and processors across the province. I want to thank them for their help and contribution in reaching this consensus position. Here in the House I want to acknowledge the agriculture critic, Steve Peters, and my wonderful friend the House leader for the NDP, from Welland, and I want to thank you very much for the work you've done to help me get a consensus in the House today.

At this time I believe I have, and would like to ask for unanimous consent to move both second and third readings of this bill.

**The Speaker:** Is there unanimous consent? Agreed.

EDIBLE OIL PRODUCTS REPEAL  
DATE AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT  
LA DATE D'ABROGATION  
DE LA LOI SUR LES PRODUITS  
OLÉAGINEUX COMESTIBLES

Mrs Johns moved second reading of the following bill:

Bill 231, An Act to amend the repeal date of the Edible Oil Products Act / Projet de loi 231, Loi modifiant la date d'abrogation de la Loi sur les produits oléagineux comestibles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

EDIBLE OIL PRODUCTS REPEAL  
DATE AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT  
LA DATE D'ABROGATION  
DE LA LOI SUR LES PRODUITS  
OLÉAGINEUX COMESTIBLES

Mrs Johns moved third reading of the following bill:

Bill 231, An Act to amend the repeal date of the Edible Oil Products Act / Projet de loi 231, Loi modifiant la date d'abrogation de la Loi sur les produits oléagineux comestibles.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

1400

SAFETY OF CHILDREN IN SUPERVISED  
PLAY SETTINGS ACT, 2002

LOI DE 2002 SUR LA SÉCURITÉ  
DES ENFANTS DANS LES AIRES  
DE JEUX SURVEILLÉES

Mrs McLeod moved first reading of the following bill:

Bill 232, An Act to enhance the safety of children in supervised play settings / Projet de loi 232, Loi visant à accroître la sécurité des enfants dans les aires de jeux surveillées.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** The purpose of this bill is to give cabinet the authority to establish minimum standards for the safety of children who are left in supervised play settings which are not now governed by any kind of regulation.



ASSESSMENT AMENDMENT ACT  
(IMPROVEMENTS FOR SENIORS  
AND THE DISABLED), 2002

LOI DE 2002 MODIFIANT LA LOI SUR  
L'ÉVALUATION FONCIÈRE  
(AMÉLIORATIONS À L'INTENTION  
DES PERSONNES ÂGÉES  
OU AYANT UNE INCAPACITÉ)

Mr Christopherson moved first reading of the following bill:

Bill 233, An Act to amend the Assessment Act to more fairly permit exemptions from assessment to benefit senior citizens and disabled persons / Projet de loi 233, Loi modifiant la Loi sur l'évaluation foncière pour rendre l'exemption d'impôt plus équitable à l'égard des personnes âgées ou ayant une incapacité.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr David Christopherson (Hamilton West):** I would like to thank Reg Michor for his significant help in drafting this bill. Reg has worked tirelessly for many years to improve the situation for the disabled who choose to live independently. There is widespread support for this bill. The need to enable more families to benefit from this kind of legislation is timely and, in my opinion, worthy of government consideration.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I haven't seen the bill and I don't know the contents of the bill, but I would just ask that you review the bill for its orderliness with respect to the cost components to the financial base of the province of Ontario. I'm not saying I'm against the bill or in favour; I just need to know whether it's in fact in order.

**The Speaker:** We do that on all bills and will on this one as well.

RURAL RED TAPE  
REDUCTION ACT, 2002

LOI DE 2002 VISANT À RÉDUIRE  
LES FORMALITÉS ADMINISTRATIVES  
RELATIVES AUX AFFAIRES RURALES

Mr Coburn moved first reading of the following bill:

Bill 234, An Act to reduce red tape with respect to rural and other matters / Projet de loi 234, Loi visant à réduire les formalités administratives relatives aux affaires rurales et à d'autres questions.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

FREEZE ON HOG FARMS ACT, 2002

LOI DE 2002 SUR LE GEL  
DES EXPLOITATIONS PORCINES

Mr Lalonde moved first reading of the following bill:

Bill 235, An Act to prohibit municipalities from issuing building permits in respect of hog farms / Projet de loi 235, Loi interdisant aux municipalités de délivrer des permis de construire en ce qui concerne les exploitations porcines.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

The member for a short statement?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):**

The bill prohibits municipalities from issuing building permits for the construction or expansion of hog farms until after December 31, 2003. Now that we know the health effect that hog manure could create and also since Quebec has a moratorium on all expansion and new construction of hog farms in 281 municipalities, this bill will give power to municipalities to turn down all applications or new construction until all regulations of the Nutrient Management Act are in place.

ENVIRONMENTAL PROTECTION  
AMENDMENT ACT (PRE-TREATMENT  
OF HAZARDOUS WASTE), 2002

LOI DE 2002 MODIFIANT LA LOI  
SUR LA PROTECTION  
DE L'ENVIRONNEMENT  
(PRÉTRAITEMENT DES DÉCHETS  
DANGEREUX)

Ms Di Cocco moved first reading of the following bill:

Bill 236, An Act to amend the Environmental Protection Act to require the pre-treatment of hazardous waste before it is used as landfill / Projet de loi 236, Loi modifiant la Loi sur la protection de l'environnement pour exiger le prétraitement des déchets dangereux avant leur dépôt dans une décharge.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Ms Caroline Di Cocco (Sarnia-Lambton):** This bill will change the fact that Ontario is the only jurisdiction on the continent of North America that does not require pre-treatment of hazardous waste before disposal. The bill amends the Environmental Protection Act by requiring the pre-treatment of hazardous waste before it is disposed of in a landfill.

MOTIONS

COMMITTEE SITTINGS

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I move that the standing committee on public accounts be authorized to meet for

up to 12 days during the upcoming recess to complete report writing and to conduct its review of the 2002 annual report of the Provincial Auditor of Ontario. The committee shall also be authorized to release its report by depositing a copy of any report with the Clerk of the House.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### RURAL ECONOMIC DEVELOPMENT

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** It gives me great pleasure this afternoon to introduce a bill that, if passed, will encourage economic growth, improve the environment for investment, and reduce red tape and remove barriers to jobs in rural Ontario.

The Rural Red Tape Reduction Act, 2002, amends provincial legislation to remove impediments to rural business development. These amendments respond to key issues and priorities identified by rural businesses, which the government has consulted with over the past two years.

The extent of these consultations demonstrates our strong commitment to rural Ontario. The latest of these was last June, when Premier Eves and Minister Johns held round tables with agriculture and food industries to establish key priorities to strengthen rural businesses. In the fall of 2001, the Red Tape Commission held consultations with 600 small business owners in 20 communities. In the summer of 2001, when I was the Minister of Agriculture, Food and Rural Affairs, I hosted a series of small business round tables across Ontario as a follow-up to a report a year earlier of the task force on rural economic renewal, headed by the Honourable Doug Galt.

As a result of these consultations, we have developed a red tape reduction plan that recognizes the unique challenges facing rural communities. This bill is an important part of that plan.

Let me mention just a few of the highlights. The Rural Red Tape Reduction Act, 2002, includes measures to enhance self-governance of veterinarians, and if passed, it would give increased flexibility to farm implement dealers, distributors and manufacturers. This bill also provides amendments for the Co-operative Corporations Act to help improve the administration of co-operatives.

Ontario's rural communities are indeed a key part of the fabric of Ontario's economy and of our society. We recognize that our smaller and rural communities often face different challenges and opportunities than the urban areas. Yet they should have access to the same types of opportunities for economic growth as our larger urban centres.

The Rural Red Tape Reduction Act, 2002, is one component of a wider initiative to build sustainable businesses and stronger rural communities, giving them equality of opportunity. It's part of our government's comprehensive plan to strengthen rural communities and to create a better quality of life for everyone in our province.

**Mr Steve Peters (Elgin-Middlesex-London):** It was quite interesting to listen to the comments of the minister for rural affairs during the introduction to this bill. I guess my first opening comment would be: if these issues were so important to this government, why did they wait until the very last minute, as this Legislature is about to rise, and then introduce these changes? This is last-minute.

1410

You look at this bill; we could have been dealing with these things much earlier. In the fall of 2001 the consultations took place for rural areas. The farm implements bill was introduced by Toby Barrett in the fall of 2001. Bill 87 and the amendments we just dealt with today with the repeal of the Edible Oil Products Act—again one year ago. Here we are, one year later.

This is a government that has had seven years to address issues facing rural Ontario, and for the most part they've dragged their feet. They've left rural Ontario behind. They've downloaded an undue amount of programs to rural municipalities. Rural municipalities are facing a real challenge right now, and here we are, at the very last minute, probably going to see closure on this bill to ram these things through the Legislature.

It is sad that this is a government that, when it comes to rural and agricultural issues, drags its feet. We can see that these issues were here over a year ago. They dragged their feet, they sat on issues, these consultations, so that here we are at the last minute dealing with the edible oils act, and these consultations should have taken place last year. But here we are, at the last minute.

The minister talks about the consultations in the past two weeks. I'd be very curious to see what the phone lines have been like over the last 24 hours, because these consultations should have been done a long time ago. I'm proud that the Liberal Party recognized early on that we needed to light a fire under this government, and we did that yesterday by introducing the amendment. They needed a fire lit under them. They hadn't moved.

The minister talks about rural economic development. One thing that's not addressed in the bill we have here is the whole question of taxation in rural Ontario. It is a huge issue. As the Ministry of Agriculture and the ministry of rural affairs, you've encouraged farmers to add value to what they do on their farms. Then the farmers go and add value to their farms, be it a fruit winery or a maple syrup operation, and then, because of the rise of their municipal taxes, they're questioning why they were encouraged by this government to do that. There's nothing in this legislation that I can see in a cursory review that in any way addresses some of the taxation issues that are facing the agricultural community in rural Ontario right now. Look at what's happening with



assessments across this province right now. Who is taking the biggest brunt of assessment shifts in this province? It's agriculture. There's nothing in here to deal with that on behalf of the farmers.

Some of the changes in here dealing with food safety legislation: the question of biosecurity needs to be strictly enforced. We need to ensure too, though, as far food safety is concerned—we've seen the cuts that have happened in the animal health lab at the University of Guelph. The animal health lab is our first line of defence. We just heard recently from the Minister of Health that tests that had to be undertaken had to be sent out of the province. Had this government adequately funded the University of Guelph and the animal health lab, those tests could have been done right here in our own backyard and sent to another province.

Contained in this bill too—I don't have a problem with it—is the correction of Mr Murdoch's tartan bill. It's interesting that we had the wrong colour. Then what else was slid into this? Again, you're famous for your omnibus bills: something else with the 407, because you messed it up when you sold it. You gouged the taxpayers of this province when you sold the 407 and, again, you're going to benefit your friends Al Leach and SNC-Lavalin. You sold out the taxpayers. You told the taxpayers of this province, "Don't worry, we're going to hold the line on tolls. Nothing is going to happen with tolls." We've seen tolls skyrocket and go through the roof. So you've obviously messed up again with Highway 407.

But there's one thing I hope you have done. This is to allow you to have access to hydro corridors. I hope you put a provision in this bill that Hydro One vehicles aren't going to have to pay tolls on the 407, but I bet you didn't do that and we're going to have to pay tolls on the 407.

**Mr Howard Hampton (Kenora-Rainy River):** I'm pleased to respond to what the government calls the Rural Red Tape Reduction Act. I note that one of the major parts of this bill will be to amend the description of the first block of colour in the tartan of the province of Ontario. I wonder what that has to do with rural economic development. Has this government got a plan to turn every village and small community in rural Ontario into a tartan demonstration centre or something?

The government wants people in rural Ontario to believe that this bill is somehow addressing their issues. I don't see anything in here about electricity and the government's plan—scheme—to sell off 49% of the transmission system in the middle of the night, something which virtually everyone in rural Ontario is absolutely opposed to, because they know that once you sell 49% to a private company, the private company will want to raise the rates to make more profit, which means the hydro bill goes up. I don't see anything in here which is going to explain to people in rural Ontario why, even after the pre-election rate caps come into place, they're going to continue to pay more to Hydro for hydro distribution and more for hydro transmission and why, under this government's scheme, they're going to pay more of the GST and why they're going to pay more to

IMO and why they're going to pay more for expensive imported power. None of these issues are addressed in this bill.

When I was travelling across rural Ontario in the public power bus, a lot of people in rural Ontario wanted to talk to me about the local school, because under this government's agenda the local school, in many cases, is being closed. Is there anything in this bill that's going to deal with the closure of small schools in rural Ontario, cutting the heart out of the community? Nothing—it's about tartans. This, according to the Conservative government, is the burning issue in rural Ontario today. I suppose maybe there are a few people who might be concerned about a tartan, but the people I talk to want to know about the community school. How do you sustain the community when the government wants to close the community school?

The other point they raised was, how do you operate the local community health centre or the hospital when you don't have enough nurses any more and when you can't get a doctor? Is there anything in this bill about that? No, it's about tartans.

So the burning issues in rural Ontario: what about those high electricity prices? Nothing. The second burning issue: what about our community school and the fact it's going to be closed? Nothing. The third burning issue: how do we get a family doctor and some nurses to work in the local health centre? Nothing. I gather, according to this government, the people of rural Ontario are all supposed to wear tartans and that'll fix the problem.

**Mr Michael Prue (Beaches-East York):** I rise on one final issue on this bill. It is indeed an omnibus bill, because most of what it contains does not involve the rural community but in fact all of Ontario. I speak especially about the 407. Here we have in this bill the authority to put transmission lines across the 407, but what it does not contain in this bill is all the problems related to the ordinary commuters who use the 407 every day, ordinary commuters who cannot get their transponders repaired, ordinary commuters who cannot get anyone to answer the telephone when they have a problem, ordinary commuters who are starting to pay far too much for the privilege of riding on that road, ordinary commuters who cannot have any action with that corporation at all—a corporation that is absolutely aloof, that is only good at one thing, and that is taking their money and not providing the services they should. It seems very good that we can put some electricity transmission lines across the road; what this government should be doing is putting some phone lines into the office and putting some people on those phones so that they're answered and so that the commuters can actually get some use out of that road.

1420

#### VISITORS

**Mr Bart Maves (Niagara Falls):** On a point of order, Mr Speaker: I'd like to let everyone in the House, all of

my colleagues, know that I'm joined today by two people in the public gallery who are very important to me. They will be leaving before question period. This is my six-year-old daughter, Aynsley, and my four-year-old son, Spencer.

**Hon Jerry J. Ouellette (Minister of Natural Resources):** On a point of order, Mr Speaker: I would like to introduce the staff and students from a school in my riding. They've come here today from Monsignor John Pereyma to watch the proceedings in the House today, and I welcome them.

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** I would ask my colleagues to join me in welcoming Mr Keith Butte here today, who is the father of our page Nicholas Butte, from the great riding of Ottawa-Orléans, in the east gallery.

**Hon Helen Johns (Minister of Agriculture and Food):** On a point of order, Mr Speaker: I think everyone can tell that it's our Christmas party on this side of the House. I have my niece here, Danielle Hosick.

## DEFERRED VOTE

### VOLUNTEER FIREFIGHTERS

#### EMPLOYMENT

#### PROTECTION ACT, 2002

#### LOI DE 2002 SUR LA PROTECTION

#### DE L'EMPLOI DES POMPIERS

#### VOLONTAIRES

Deferred vote on the motion for third reading of Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1421 to 1426.*

**The Speaker:** Just so that everybody is clear, all those who are in favour will please rise and remain standing until they've been checked by the Clerk. So please rise and remaining standing if you're in favour of it.

#### Ayes

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Boyer, Claudette  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian  
Conway, Sean G.  
DeFaria, Carl  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Hardeman, Ernie  
Hodgson, Chris  
Hudak, Tim  
Johns, Helen  
Johnson, Bert  
Klees, Frank  
Marland, Margaret  
Maves, Bart  
McMeekin, Ted  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia

Murdoch, Bill  
O'Toole, John  
Sampson, Rob  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Turnbull, David  
Wilson, Jim

**The Speaker:** All those opposed will please rise and remain standing until recognized by the Clerk.

#### Nays

Agostino, Dominic	Ecker, Janet	Newman, Dan
Bartolucci, Rick	Elliott, Brenda	Ouellette, Jerry J.
Bisson, Gilles	Gerretsen, John	Parsons, Ernie
Bountrogianni, Marie	Guzzo, Garry J.	Peters, Steve
Bradley, James J.	Hampton, Howard	Phillips, Gerry
Brown, Michael A.	Hastings, John	Prue, Michael
Bryant, Michael	Hoy, Pat	Pupatello, Sandra
Caplan, David	Jackson, Cameron	Ramsay, David
Christopherson, David	Kennedy, Gerard	Ruprecht, Tony
Churley, Marilyn	Kormos, Peter	Sergio, Mario
Colle, Mike	Kwinter, Monte	Smitherman, George
Cordiano, Joseph	Levac, David	Sorbara, Greg
Crozier, Bruce	Martel, Shelley	Tsubouchi, David H.
Cunningham, Dianne	Martin, Tony	Wettlaufer, Wayne
Curling, Alvin	Martiniuk, Gerry	Witmer, Elizabeth
Di Cocco, Caroline	Mazzilli, Frank	Wood, Bob
Dombrowsky, Leona	McGuinty, Dalton	
Duncan, Dwight	McLeod, Lyn	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 37; the nays are 52.

**The Speaker:** I declare the motion lost.

**Mr Dave Levac (Brant):** On a point of order, Speaker: I seek unanimous consent to instruct the Minister of Public Safety and Security to strike a task force by all the stakeholders in order to continue the debate, as was asked for.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I understand the request. I don't think it will be accepted on this side, because I don't think we'll act as political cover either.

*Interjections.*

**The Speaker:** Order. I would ask if I could have co-operation so I can hear what the results are.

Is there unanimous consent? I'm afraid I heard some noises.

## ORAL QUESTIONS

### EDUCATION FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Education. Madam Minister, yesterday Dr Rozanski pulled the rug out from under your credibility, the Premier's credibility and your government's credibility on public education. He confirmed and he validated everything that parents and students and teachers and entire communities have been saying for seven long and painful years, and that is that your cuts have compromised our kids' education.

In Kingston, Peterborough, Windsor, London, Kitchener-Waterloo, Niagara Falls, Ottawa—everywhere you turn—programs that help our kids succeed were underfunded by you and your government. For seven long years, Madam Minister, you or your predecessors have defended Ernie Eves's cuts to education, whether he



made those in his capacity as Premier or as Minister of Finance. The question I have for you is, why should Ontario families, parents and students trust you, given your lengthy and abysmal record when it comes to public education in Ontario?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** Unfortunately, the Leader of the Opposition gets it all wrong. Yesterday, Dr Rozanski validated the funding formula that we had put in place. He said it is achieving the equity, the stability and the fairness for students in all parts of the province. He said that nobody wants to go back to the way it was. It was a clear, strong word of support for what we have undertaken.

We have been the only government, since 1995, with a plan, a plan to make sure that the students in the province of Ontario achieve success, a plan to do testing, a plan for safe schools, and you as Johnny-come-latelys just recently indicate that you think it's a good idea.

**Mr McGuinty:** I just can't understand how you can stand there and say that with a straight face. I don't understand it. For year after year after year, you or your predecessors have denied that your government's cuts have hurt our kids. You have blamed teachers, you have blamed the trustees, you have even blamed previous governments.

But Dr Rozanski has been the jury on this matter, and the jury is in. He's telling us that your cuts have compromised our kids' education. He says at the end of the day it was you who closed our schools, it was you who cut special education, it was you who refused to adequately fund textbooks and busing and school repairs. You did all of that and Ontario kids have paid a terrible price as a result. Now you say you want to fix things. Now you say you want to help students. Now you're experiencing some kind of death-bed repentance as you stare into the face of the next election.

I ask you again, Madam Minister, why should parents, why should students, why should those people in this province committed to public education trust you with the future of their schools?

**Hon Mrs Witmer:** This is unbelievable. I am more convinced than ever today, after the report that was handed to us by Dr Rozanski, that the proposals we have put in place to help our students achieve success are the right ones. I can tell you categorically, despite what you're saying, that Dr Rozanski has validated in every way he possibly could that what we're doing is right for the students in this province. Unlike you, I might add; what did you say?

**Interjection:** What did he say when?

**Hon Mrs Witmer:** In 1998 you said, "I don't want to talk about standards. I've got a proposal: provide an independent review of the funding formula." So we do it. What did you say yesterday? "Well, people want to know where I stand on public education." Question: "You're committed to everything in the report?" "No, I didn't say that."

**Mr McGuinty:** This is just too rich. This is surely a performance worthy of an Oscar nomination, if not a win. What is most disconcerting is that this minister still refuses to acknowledge the truth: that she and her predecessors and this Premier and this government stand in the way of our children getting a quality education in Ontario. Madam Minister, just to remind you, it was you and this government who took away the English-as-a-second-language program from our kids. You took away adult education. You took away our kids' guidance counsellors, their education assistants, their psychologists, their phys-ed teachers, their librarians. For seven long years you have been successfully robbing our children of the quality education that we believe they are entitled to inside our public schools.

Madam Minister, since you lack both, I want to assure you that we've got both the plan and the commitment to get the job done. I'm asking you, Madam Minister, when are you going to get a plan and when are you going to develop the commitment to stand up for public education?

**Hon Mrs Witmer:** I might ask of the leader opposite, what edition of his plan is he showing us today? And what edition will he show us tomorrow? Our government introduced the changes in education to make sure that all students in this province have the opportunity to achieve success. We introduced the student funding formula. We have now had a review by an independent reviewer. There is confirmation that we are on the right track. We need to update the benchmarks and we plan to do that. In fact, the Premier right now, as I speak, is making an announcement to demonstrate that we are taking immediate action.

1440

**The Speaker (Hon Gary Carr):** New question.

**Mr McGuinty:** I think we've heard more than enough from that minister. I'll go to the Minister of Finance. Minister, as you will recall, at first you opposed funding private schools, saying they would fragment our education system and would take millions of dollars out of our public schools; I'm sure you will remember that. You then flip-flopped and said that you supported giving public dollars to private schools.

During the leadership campaign, Ernie Eves called the private school tax credit ludicrous. He then flip-flopped and said he strongly supported putting hundreds of millions of public dollars into private schools. Yesterday, the Premier and the Minister of Education opened the door once again to flip-flopping and told us it might be true that they're in fact prepared to consider changing their minds. I'm asking you, Madam Minister, as the person responsible for this issue ultimately, are you now going to do the right thing and cancel your intention to put half a billion dollars in private schools?

**Hon Janet Ecker (Minister of Finance):** On this side of the House, this government believes in respecting parental choice. I know the Liberals, who say they respect parental choice—for them it's only parental choice that they approve of. Well, on this side of the

House, we have a little more respect for the parents in this province and how they wish to raise their children.

**Mr McGuinty:** I guess you simply can't recollect what you said in your capacity as Minister of Education. In your letter to the United Nations, very public for all to see, you said that to fund private schools again would fragment the public education system and would take millions of dollars out of our public schools, where the money was needed. That's what you said.

Now, in your capacity as Minister of Finance, I suggest that you start getting real. You are facing enormous fiscal challenges. Health care is going to demand significantly more investment. As Dr Rozanski reminded you yesterday, public education is in need of significantly more investment. You are so desperate for cash that you are starting to sell off the Ontario family silverware. You're selling off Hydro One, POSO, Ontario Northland, Teranet. With all these tremendous financial pressures, tell me why you still continue to maintain that it is wise, prudent and fiscally responsible to put half a billion dollars into private schools.

**Hon Mrs Ecker:** I and my colleagues would not support something that would take money out of our public school system, and we've been very consistent on that. As a matter of fact, I put more money in, as the Minister of Education. The current Minister of Education is putting more money in. Even as we speak, the Premier of Ontario is announcing new investments into our public education. I know the honourable member across the way has problems with that, but we think those investments in public education are very, very important.

**Mr McGuinty:** Here is the fundamental difference between this government today and our government tomorrow: we are committed to public education for all Ontario children. We are committed to repairing the damage that you have caused to our public schools. We will not settle for test scores where one half of our kids are failing to meet the basic standards in reading, writing and mathematics. We will not force small schools to close. We will not tell kids in need of special education to get to the back of a waiting list some 40,000 long. On my watch, I can tell you that if there's any money at all available for education in the province of Ontario, we will not put that money into private schools. We will invest it where it's needed: inside public schools. We are going to stand up for public education.

I ask you, Madam Minister, when are you and the Minister of Education and this government going to start to stand up for public schools?

**Hon Mrs Ecker:** The honourable member across the way says he will not settle for students not doing well on tests. Well, they didn't agree with student testing. They didn't want student testing. So how were they going to know if our students were actually learning what they were supposed to learn?

On this side of the House, we respect parental choice. We believe in setting high standards for our kids and helping them meet those standards. We believe in putting new investments in the public education system. We

believe in doing what we said we would do for the people in Ontario: lower taxes, balanced budgets, new investments in our schools and in our hospitals. We are following our plan because it works: one million net new jobs in this province for Ontario's families, new investments in schools, new investments in hospitals, \$14 billion in tax relief. We're going to follow our plan—

**The Speaker:** The minister's time is up. New question.

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of Education. Minister, your government's chronic shortchanging of students and schools has been exposed. Dr Rozanski says the trustees in Toronto, Hamilton and Ottawa got it right and you got it wrong. They've told you all along that there isn't enough money in the funding formula for Ontario's schools, so your government should put the brakes on any cuts that are planned now at these boards and you should send your supervisors packing today. Will you blunt the axe of your hatchet men by reinstating the public school trustees who were democratically elected by the citizens of this province to do their job?

**Hon Mrs Witmer:** I appreciate the message from the member opposite, but what the member needs to understand is that for five years the trustees on the board in Toronto, if you want to use it as an example, unfortunately did not take the steps that were necessary to make sure there was equity of funding to all students in Toronto, no matter where they lived. Unfortunately, they have put the board in a very difficult financial situation.

Fortunately, the supervisor has put the Toronto board back on the road to sustainable financial health. I would only hope as well that there will be equitable funding provided for students at the end of the day, whether they are in Scarborough or in Etobicoke or in York or in downtown Toronto.

**The Speaker:** Supplementary.

**Mr David Christopherson (Hamilton West):** Deputy Premier, your government said our trustees got it wrong. You said there was enough money for our schools. But Dr Rozanski said the trustees in Hamilton got it right. For four years you've been shortchanging salaries for teachers and support staff. For four years you've been shortchanging special education. For four years you've been shortchanging transportation and textbooks. For four years you've been shortchanging our students.

Minister, will you now stand in your place, admit you got it wrong and reinstate the Hamilton trustees who Dr Rozanski said got it right by refusing to cut any more money from Hamilton's education system?

**Hon Mrs Witmer:** Unfortunately, Dr Rozanski said no such thing, because Dr Rozanski was not dealing with Ottawa, he wasn't dealing with Toronto and he wasn't dealing with Hamilton. He was dealing with all of the students in the province of Ontario, and he wanted to make sure the funding formula that was put in place in 1998 was providing equitable, fair funding to all students, no matter where they lived.



I would just remind the member that in Hamilton there are many who say the budget could have been balanced, but as you know, they didn't even consider the balanced budget proposals that came forward. They had the chance; they chose not even to look at them.

**The Speaker:** Final supplementary.

**Mr Michael Prue (Beaches-East York):** I hope the minister understands that Toronto, Ottawa and Hamilton are all in Ontario, and the people who live in those cities care very much about what is happening to their students. We care very much about our democratic traditions and we care very much about the people we elected to go out there and fight for our students. We are asking you today to put them back into their jobs. We are asking you today to do the right thing and to get rid of the undemocratic supervisors you've put there. If the problem has been solved by Dr Rozanski, then surely the people should be put back in charge.

1450

It's very clear, Madam Minister, that your policies are wrong. The parents and the people of this province want their democratically elected people back in their place. Will you promise today to put them back in their place? Will you promise today to give them sufficient funds to keep our outdoor education centres open, our school secretaries hired and our youth counsellors on the job for the students of our cities?

**Hon Mrs Witmer:** Despite what the member opposite may say, there are many throughout the province of Ontario who have been very supportive of the direction that has been undertaken by the supervisors. They are very pleased that these boards have been put on the road to financial health, that there is a plan of action.

I think it's also very important to remember, yes, we have students in Hamilton, Ottawa, and Toronto, but we also have students in Thunder Bay, in Timmins, in Brockville and in Windsor. This review was all about making sure that no matter where you lived, you had to the same access to the same programs and the same services.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Tony Martin (Sault Ste Marie):** My question is for the Minister of Community, Family and Children's Services. Last spring, you raised the hopes of the 192,000 people who are forced to live in poverty because your government has frozen Ontario disability support payments for more than seven years. You promised to review the program and suggested that you believed they needed a raise. Six months later, we've heard nothing from you. That's six more months of poverty. You have had more than enough time. The disabled of this province have been more than patient. They want an answer today. Are you going to raise the ODSP payments?

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for the question. We on this side of the House

have been very diligent in undertaking efforts to improve the lives of those who are disabled here in Ontario. My colleague has asked me this issue here a number of times in the House and I have to come back to him each time with this reminder: it's our government, following five years of disastrous government, with him as part of that whole debacle, that finally took a close look at the welfare system in the province of Ontario, the province where we saw 1.3 million people slide into welfare and the endless despair that that would bring if nothing changed.

Not only did we reform the welfare system but we also, for the first time, took those who were suffering with disabilities into a whole new plan that set them apart, that gave them an opportunity to partake in different benefits and also to become much more familiar with the whole concept of not just being disabled but having an opportunity to move into jobs and to be in equal employment.

**Mr Martin:** Minister, I want you to read my lips here. This is a simple yes or no question. Are you or are you not going to raise the ODSP payments?

**Hon Mrs Elliott:** I have indicated that we are certainly interested in doing more for those who are disabled in the province of Ontario, and I remind my colleague across the way that we have already done much more for those who are disabled in the province of Ontario. We took them out of the welfare trap. We added a number of different benefits and programs that had never been there before. We removed the label of permanently unemployed. We required that those who are disabled no longer had to go through that endless reconfirmation of their disability when that disability was not expected to improve; more generous and flexible rules for families and friends to help them with the cost of gifts and inheritances; increased asset limits, coupled with improved policies.

I can read through the whole list of things that are done here as part of the improvements for the Ontario disability support plan. Suffice to say that we have made a number of changes and we anticipate making more in the future.

#### EDUCATION FUNDING

**Mr David Caplan (Don Valley East):** I have a question for the Minister of Education. Yesterday Dr Rozanski issued a stinging indictment of your mismanagement of education. Your rhetoric about directing greater resources into Ontario's classrooms has been exposed as a charade.

The Harris-Eves government has, without regard for the consequences, deliberately robbed our children of funding at the Toronto District School Board to the tune of \$2,100 per pupil. Even worse, you appointed a supervisor to make further cuts. Minister, it's finally time for you to take responsibility and show some leadership. In light of Rozanski's findings, the proper thing to do is to terminate Paul Christie. The TDSB is having its

organizational meeting tonight. Will you restore the authority of the Toronto District School Board trustees to allow them to get to the business of providing the best possible education for children in the city of Toronto?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** The member opposite talks about the right thing to do. I can tell you that at the present time, our Premier, Premier Eves, is doing the right thing. He is announcing 250 million additional dollars for special-education students. We are not only increasing the money by \$130 million; we're also adding the remaining \$120 million.

We're doing the right thing for students in this province. We're making sure that all the students, no matter where they live, are going to get the support they need.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mr Alvin Curling (Scarborough-Rouge River):** The Rozanski report was clear. It confirms what the leader Dalton McGuinty has been saying. Your funding cuts have hurt children in the classroom. When you removed adult education programs, you shattered the dreams of single mothers and a second chance for their education. When you eliminate English-as-a-second-language programs, you're hurting our kids and the diversity we cherish. Forty thousand kids are on waiting lists for special education.

Communities like Scarborough-Rouge River are the new face of Ontario, yet you don't seem to realize that. How can you reconcile all this? Will you admit that your course of action was wrong, and when will you rectify education funding and put it back in place?

**Hon Mrs Witmer:** I would just repeat one more time that yesterday was a validation of the student funding formula. Yesterday has been supported—if you had been in the room yesterday with the chairperson and the directors from across the province of Ontario, I can tell you there are a lot of very happy people in this province because they know that the plan we have had in place since 1995 is helping students achieve success. They also know that when it comes to international testing, at the present time our province is second to only one other country in literacy, and that's Finland. Our student funding formula is working. It is helping all of our students, no matter where they live, achieve the success that they deserve and that they need.

## COMMUNITY COLLEGES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** My question is for the hard-working and straight-shooting Minister of Training, Colleges and Universities. We all know that a skilled workforce is essential to a strong economy. Employers are demanding highly trained graduates who are ready to go directly into the workforce and contribute to our economy. Ontario colleges of applied arts and technology are essential to training the next generation of skilled workers in our province. Colleges provide programs that are closely tied

to the job market and often deliver the classroom portion of apprenticeship training.

This year's budget committed new funding to upgrade the equipment and resources available to students in Ontario's colleges. Minister, can you give us an update on the status of this funding and the good work it is doing to ensure that Ontario college students have access to the modern equipment and resources that will help them to be more productive in the workplace?

**1500**

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I would really like to thank my honourable colleague for this question. He has been the author of one of the most important research documents and public hearings in the province of Ontario on apprenticeship training, and I want to thank him very much for the Gill report.

We already have committed to increase funding for Ontario's colleges to support increased enrolment. Beyond that, we have committed some \$50 million to help colleges purchase new equipment and learning resources to support high-quality and relevant education for Ontario students.

The college equipment and renewal fund will invest \$10 million a year for the next five years to improve the resources that students need to help them learn. I'd like to thank the partnerships of the community and the businesses that are giving these students opportunities and participating in the purchase of equipment to make our colleges better than they ever have been.

**Mr Gill:** Minister, thank you for your support during the writing of that report. It was a very important report for Ontario.

Minister, every community in Ontario is different, and every college is different. Members who have met with the college community will know that colleges that serve northern and rural communities face different challenges. These can range from higher costs due to distance to the need to operate programs with fewer students in smaller communities.

Premier Eves recently announced \$16 million in new support to ensure that both colleges and universities that serve Ontario's northern and rural regions remain strong and can continue to provide a high level of service to their students and those communities.

Minister, can you give us details of this funding and tell us how it will support a strong college system in Ontario?

**Hon Mrs Cunningham:** In response to my colleague, I will say that in Sault Ste Marie on November 28 Mr Eves did in fact announce \$16 million in northern colleges and universities funding. Algoma University received half a million dollars. Sault College of Applied Arts and Technology received \$1.1 million.

This is just an indication of our commitment to northern communities to make sure that in fact young people get the training they need, that we double the number of apprenticeship programs. Of the \$16 million



that was announced, \$10 million will be used to support Ontario colleges that serve northern and rural communities. This northern and rural college grant was created especially so that we can provide these colleges with the opportunities for Ontarians where they live and close to their own communities so that they can be contributing members and help the economy of this great province.

### EDUCATION FUNDING

**Mrs Marie Bountrogianni (Hamilton Mountain):** My question is for the Minister of Education. Minister, it is clear that despite interpretations of the funding formula, the Rozanski report did indicate that you've been underfunding education.

This afternoon, as you have stated, the Premier will be making an announcement. Shall we guess? More funding? This is the typical Tory story. First you create a crisis, you underfund something, and then you come in just before an election or a by-election and you throw money back in.

Minister, you suspended a democratically elected board of trustees in my city of Hamilton which refused to pass a budget that ignored the needs of students. Will you now at least agree that these trustees were doing their job in looking out for student needs and fire your highly paid supervisor and his highly paid spin doctor and reinstate the board of trustees in Hamilton?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** I think the member opposite forgets one key point regarding the appointment of the supervisor in order to ensure that Hamilton had a balanced budget. What she really forgets is the fact that the trustees in Hamilton had the opportunity to actually debate and discuss balanced budgets that had been prepared for them by staff, and they just refused to do so. And so there was no choice whatsoever other than to send in a supervisor. I might say to the member opposite that the support of the public for the supervisor is very high.

**The Speaker (Hon Gary Carr):** Supplementary?

**Mr Dominic Agostino (Hamilton East):** My follow-up question is for the same minister. Clearly the Rozanski report vindicated trustees in Hamilton. They made the decisions 'you didn't have the guts to. They made a decision in the best interests of kids. You sent a hatchet man down the QEW. He has now done his job: he's balanced his budget. I would ask you now to fire him and send him home.

On Tuesday night, he is going to make a decision that is going to affect 11 schools. Now, through this report, there has been an acknowledgement that you have underfunded public education. The reason many of these schools will be recommended for closure on Tuesday night is because of your flawed funding formula.

I'm asking you, Minister, as these schools, like Lloyd George in my riding, are going to close, you are cutting the heart out of this community. You are destroying a neighbourhood. I would ask you, in good conscience, in

the best interest of these kids and public education, will you fire your supervisor? Will you also direct your supervisor not to recommend any school closures until a new funding plan is in place and the new money is allocated to the board, where we can make a decision based on the money available, not on some outdated, flawed formula that you brought in that has hurt kids in this city of Hamilton? That is the least you can do today. Reinstate the trustees, get rid of the supervisor and put on hold any school closures in the city of Hamilton.

**Hon Mrs Witmer:** The member opposite obviously doesn't understand that school closures have been a fact of life for a long time in the province of Ontario. In fact, between 1985 and 1990, during the Liberals' time in power, 37 public and Catholic schools were closed in Toronto. This is nothing new. Simply because people move and populations change, there is a need for new schools to be built where the population is. We continue to go through this process of building new schools to accommodate the needs of students in other areas and schools are closed when the population no longer is there to support them. It's a process that has been going on for many years, and it will continue to do so. There is also a process that allows for parental input, and at the end of the day, after that input, a decision is made.

### RURAL ECONOMIC DEVELOPMENT

**Mr Norm Miller (Parry Sound-Muskoka):** My question is for the Associate Minister of Municipal Affairs and Housing responsible for rural affairs. Minister, I was very pleased to see today that you introduced the rural red tape bill. Can you tell this House about the history of this piece of legislation and what motivated you to develop this rural red tape bill?

**Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing):** I'd like to thank the honourable member for Parry Sound-Muskoka for his question, and also thank him for his tireless work on the Red Tape Commission as well, in particular developing this red tape bill.

The good people of Ontario certainly deserve the same opportunities for growth and prosperity as our urban counterparts. Over the past two years—and this is through the extensive consultation that we've had—we've heard over and over again from these stakeholders who have made it clear there were barriers to their businesses, that they were facing barriers to economic growth. We identified a number of areas where we could make improvements, so we should make those improvements so that they can continue to prosper in our rural communities.

As a result of these consultations, actually with over 600 businesses and communities all across Ontario, we developed a red tape reduction plan that recognizes the unique challenges they face. This bill, if passed, will go a long way in addressing some of those disadvantages they face.

**Mr Miller:** This is indeed good news for all of rural Ontario. I'm delighted to see that our government, under the strong leadership of Premier Eves, is moving forward on removing needless and outdated red tape in rural Ontario.

Minister, for my constituents as well as this House, can you highlight some of the benefits that we will see from this bill?

**Hon Mr Coburn:** Certainly, rural communities are a key part of the fabric of Ontario and of our society. This bill, if it's passed, will strengthen those rural communities and provide a better quality of life and more opportunities for the business sector in these rural communities. By removing these barriers, they'll encourage the economic growth that they strive for, attract more investment and eliminate obstacles to job creation in rural Ontario. This process will help Ontario's rural communities to create their own vision for the future in their communities, so they can work toward that in collaboration with the residents who live there. They can be architects of their future in those communities and we can help them relieve the administrative burdens caused by unnecessary red tape. This legislation is certainly built upon some of the key issues and priorities identified by the rural Ontario stakeholders. This is another step in the process of eliminating red tape that stymies investment. That'll help us encourage investment and prosperity in rural and small-town Ontario.

1510

### HIGHWAY 406

**Mr Peter Kormos (Niagara Centre):** I have a question for the Minister of Transportation. Minister, in an announcement in 1999, the then Minister of Transportation promised the commencement of the four-laning and extension of Highway 406. Will you please explain to us the progress that's been made in that regard?

**Hon Norman W. Sterling (Minister of Transportation):** We have been working on the section immediately to the—I always have difficulty knowing what's north, south, east, west—toward St Catharines. We have been working on that particular section and we're continuing to look at improvements to the 406. As you know, there is some controversy as to how that next section will take place, but we're continuing to pour our resources into the area and we're going to continue to work on it.

**Mr Kormos:** Minister, the part of 406 toward St Catharines is already four lanes. You mean south of St Catharines; that's number one. Number two, you've got to understand that communities like Port Colborne, for instance, with the loss of Marsh Engineering, the loss of other manufacturing and industrial facilities in Niagara, are desperately in need of the extension of the 406 southward into Port Colborne, the riding of Erie-Lincoln, as well as the four-laning of that portion south of the current four-laning. The promise was made in 1999 by a predecessor Minister of Transportation. A commitment was made by this government to the four-laning

southbound of the 406 and to the extension of the 406 into Port Colborne. This is of great interest, not only to people in Welland and Port Colborne, in the riding of Erie-Lincoln, but in fact to residents of every one of the four ridings of Niagara region, represented by four different members of the Legislative Assembly. We would really appreciate some more concrete advice as to the progress that's been made and the target date for the completion of this work.

**Hon Mr Sterling:** As everyone knows, when you go to build a highway, there's always problems with regard to unforeseen problems. As I understand it, there were some problems with regard to land acquisition in that particular area for us to go ahead. So all I can say to the member is that we continue to be committed to the 406, to living with the commitments we've made before, as well as being committed to the mid-peninsula corridor, which of course is very important to that area. I think in the not too far distant future I'm going to be meeting with the mayor of Port Colborne over the very issue and talking to him about his concerns with regard to it.

### EDUCATION FUNDING

**Ms Caroline Di Cocco (Sarnia-Lambton):** My question is to the Minister of Education. Since I've come to the Legislature, many have raised concerns regarding the impact of underfunding of our public education system. Minister, your underfunding has had a traumatic effect in my community of Sarnia-Lambton. Many small schools have been closed, the latest being St Helen's. By the way it's a full, viable school. In schools in my riding there have been cuts to support staff. We have fewer librarians, custodians, vice-principals, school secretaries, specialist teachers and special education. Maintenance repairs have been put on hold. Yet the Minister of Education has constantly denied that there is an underfunding to the classroom. Well, the Rozanski report has now qualified what we've been saying all along. In his report, on page 16, he says, "Education, while centred in the classroom, is influenced by what occurs in the whole school." Will the minister now admit that the chronic underfunding has eroded the quality of education in our classrooms?

**Hon Elizabeth Witmer (Deputy Premier, Minister of Education):** What I will confirm is that we were extremely fortunate to have in this province an individual such as Dr Mordecai Rozanski who undertook to lead the task force to take a look at the funding formula, who did this without any remuneration whatsoever, who took the time to travel the province, who took the time to visit our schools, who took the time to read many submissions, and at the end of the day he has come forward with recommendations which validate what we have already done. He has made recommendations for further strategic investments, building upon the 3% that we've already added to the budget this year in order that we could continue to meet the needs of students everywhere in this province. That's what I'm proud of.

**The Speaker (Hon Gary Carr):** Supplementary?



**Mr Ernie Parsons (Prince Edward-Hastings):** To the same minister: Minister, we now have confirmed yesterday that education doesn't end at the classroom door. Schools are woven into the very fabric of our community. Rural schools have always closed because of declining enrolment. They're now closing because of declining revenue for the schools.

We now have expensive yellow buses travelling our rural roads every morning, vacuuming up our children and taking them to faraway places. We haven't measured what the effect is on the community or on these young people with that action, but I don't believe it is a coincidence that the crisis facing Ontario now is: where are our young farmers?

Minister, I'm asking you now to impose a moratorium on the closing of rural schools, to talk to school boards, to talk to the Ontario Federation of Agriculture, to talk to parents, to talk to community leaders, to find a way to save our rural way of life, save our rural schools.

Minister, will you impose now a moratorium on the closing and the attack on rural Ontario?

**Hon Mrs Witmer:** The member opposite and I both understand, I believe, that there has always been a policy on school closures. In fact, I would like to quote Ernie Parsons, Kingston Whig-Standard, January 29, 1997: "As Hastings public school board chairman, Parsons agreed to sell the Belleville Collegiate school, realizing that school boards were responsible for school closures and the costs of running empty schools."

"He said, 'It became a cold, hard decision that we had too much floor space,' thus admitting his schools were grossly under their capacities."

## HYDRO REBATES

**Mr Raminder Gill (Bramalea-Gore-Malton-Springdale):** This question is to the forever hard-working and diligent Minister of Energy. Minister, with the passage of the Electricity Pricing, Conservation and Supply Act this past Monday, the government has introduced important measures to protect consumers from volatility in the price of power and provide them with real relief by issuing rebates for past high prices.

My office, Minister, has received numerous phone calls from constituents who are condo owners. They are concerned that the price freeze and rebates do not apply to them. Minister, what can you tell us to reassure condominium owners in my great riding of Bramalea-Gore-Malton-Springdale that this act applies to them as well?

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** I know, as does the member who asked the question, that when this government came forward with an action plan to provide support to ensure stability for people's electricity rates, we talked about families, we talked about small businesses, and we talked about farm operators, all of which needed relief, not just for the high bills on the kitchen

table, but for those bills in the future, while we bring more supply on-line.

I want to thank the honourable member for his efforts and for the efforts of a good number of other members, like the member for Willowdale, like the member for Stoney Creek and the member for Don Valley West. They have worked tremendously hard on this issue.

Yes, let me clarify: condominiums and condominium owners and families who reside in condominiums are fully covered by Bill 210. We designated them under the designation section of the legislation to ensure that they benefit from this important policy.

**Mr Gill:** Minister, I want to thank you for the response. I'm sure condominium corporations and condominium owners will be very pleased to know that the price cap and refund introduced as part of Bill 210 apply to them as well.

Having said that, Minister, there are other consumers in Ontario who are also concerned. Can you please tell us what is being done to protect organizations like charities, seniors' homes and people who live in apartments under this legislation?

**Hon Mr Baird:** I'd also indicate to the member for Toronto Centre-Rosedale that all condominium residents in his constituency are covered by this as well.

To the member from Bramalea-Gore-Malton-Springdale, this legislation provides support for our municipalities, for our universities, for our schools and for our hospitals. We certainly want to cover seniors' residences. We want to cover tenants in Ontario. We want to ensure that groups like developmental disability organizations funded through the Ministry of Community, Family and Children's Services are covered. We want to ensure the range of agencies supported by the Ministry of Health are covered by this protection.

We also take note that the Minister of Culture and the Minister of Tourism have stepped in to ensure that the publicly funded cultural and tourist attractions are equally covered so that they can take advantage of this important legislation that received such overwhelming support this week in the Legislature.

1520

## SAVE THE ROUGE

**Mr Mike Colle (Eglinton-Lawrence):** I have a question for the Minister of Culture. Save the Rouge, one of Ontario's most respected environmental groups and an advocate for 27 years, and the tireless volunteers of Save the Rouge have led the fight to create Canada's largest urban park in Rouge Valley and led the fight to protect the Oak Ridges moraine. They have learned, to their astonishment, that your Trillium organization, in an unprecedented, never-heard-of event, cut off the funding of this group.

According to a press release issued by Save the Rouge yesterday, when the group questioned your government's secret deal with developers, allowing 8,000 homes to be built on the Oak Ridges moraine in Richmond Hill, they

were told by Trillium staff that if they criticized the provincial government on the moraine developments, their funding for habitat restoration would be cut off.

Mr Minister, can you stand up and justify this cut-off of funding of one of Ontario's leading environmental groups, which for 27 years has been fighting to save the moraine and fighting to save the Rouge? How can you justify—

**The Speaker (Hon Gary Carr):** I'm afraid the member's time is up.

**Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture):** Clearly, there are rules. The Ontario Trillium Foundation is an arm's-length agency of the government. They have specific rules.

There was a letter issued July 11 to the Save the Rouge Valley System from the Trillium Foundation. In the letter—this is July 11—it says, "While we appreciate the importance of having communities constructively involved in public consultation processes, Trillium's advocacy policy states that the foundation does not support organizations or activities that promote a biased viewpoint or advocate a political position on issues of public concern."

These were the rules under which the application was made. The letter indicated to Save the Rouge Valley System their concern about that. Despite the warning, they continued the activities.

Therefore, as I am told by the Trillium Foundation, that precipitated the action they took. These rules were there when they applied for their grant. Clearly that was what they were—

**The Speaker:** The minister's time is up. Supplementary.

**Mr Colle:** Save the Rouge was involved in removing dams and other barriers from rivers, planting streamside vegetation, stabilizing riverbanks, enhancing spawning habitats, planting native trees. They were involving church groups, Boy Scouts. They've been doing this for 27 years.

Here's what Save the Rouge thinks happened. Glenn De Baeremaeker, one of Canada's leading environmentalists, said, "It's financial blackmail.... Say nice things about the government, we'll give you money. Criticize it and we'll cut you off." Glenn De Baeremaeker and Save the Rouge had the integrity to stand up and say, "Put 8,000 homes on the moraine and you're killing wildlife, you're killing the Oak Ridges moraine." Because they had the integrity to state the truth, your political hacks at the Trillium Foundation have cut off their funding. How can you justify that by your political hacks?

**Hon Mr Tsubouchi:** This is somewhat of a surprising question from the member in light of the fact that earlier on this week we were dealing with the Provincial Auditor of Ontario indicating that there are rules to be followed. We've indicated that we're sprucing up the rules. Now the member is saying that even though there are rules, it's OK to break the rules; it doesn't matter. Frankly, we disagree with you. Rules are there to be obeyed. That's

why we're sprucing up the rules right across the public service. Here's an indication of rules not being followed and being enforced, and you don't like it. The rules were there before the application.

#### TFO

**Mrs Claudette Boyer (Ottawa-Vanier):** Ma question s'adresse à la ministre responsable pour TVOntario et la composante française, TFO. Minister Dianne Cunningham, we all know that TFO has been serving Ontario's francophone community since 1987. We know that TFO is an essential tool to French-language education in Ontario. TFO is currently governed by a 13-member board of directors of the Ontario Educational Communications Authority, only two of whom speak French well enough to watch and understand the network they govern.

Minister, on October 3, I presented to this House a resolution that carried, requesting that you look into the matter of granting TFO autonomy in its direction and development. At that time you said that you were "interested in seeking out new ways to do things better." What has been done? You said that you would be speaking further with your colleagues with regard to the effects of the resolution on TFO. What has been done? You said, "Let's sit down and talk with the French-speaking community about improvements that we can make." What has been done so far?

**Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues):** I welcome the question from my colleague from Ottawa-Vanier, only to say to her that there has been great progress at TFO with regard to strengthening the network itself.

Since you last asked the question, I of course have been in touch through the chair, and I will say that there has been an increase in the range of in-house production focusing on francophone needs. This is just since you and I talked. There has been an extension of multi-media products such as CD-ROMs, and professional development workshops, I might add, for French language teachers. These are all needs that the francophone community has defined with regard to this wonderful service. In the end, they told me the professional development workshops for these French language teachers are in addition to a redesign of the TFO Web site.

**Mrs Boyer:** Minister, I hear you and I know progress may have been done, but it's not giving me the concern about autonomy. I have a solution. It is non-partisan. It is grassroots. It comes from the very people who watch TFO, the hundreds of thousands of francophones and francophiles across Ontario, those very people with whom I thought you should talk.

Here are letters of support from over 100 francophone organizations. Their solution is to create a French-language section at TVO to govern TFO exclusively. What does the minister have to say to these more than 100 francophone organizations across Ontario? How



does the minister plan to improve the services provided by TFO? Can the minister assure me that she will take action to see to it that TFO is governed by people who speak the language of the network?

**Hon Mrs Cunningham:** Again, I will look into the specific requests, but I will say that I did make an effort to show you improved services. In addition to the three that I described, the centre for excellence in lifelong learning which has been established at TFO will offer students the opportunity to take instruction in either English or French.

What I'm trying to say here is that the English network does not exercise editorial influence over the French, and vice versa. I will also say that in 15 years—this is a celebration for TFO—the services have been improved significantly. There are more people involved.

But I did hear your specific question. You are asking about the number of francophones who are involved, and I will look into that and get back to you.

#### MINISTRY OF ENTERPRISE, OPPORTUNITY AND INNOVATION

**Mr Joseph Spina (Brampton Centre):** My question is for the minister with the luminescent Christmas tie that clearly demonstrates enterprise, opportunity and innovation.

Promotion of a culture of innovation has been a major guiding principle of your ministry. As members of the House know, the first rung on the ladder of innovation is research.

*Interjection.*

**Mr Spina:** The member from Rosedale has no idea what he's talking about.

Minister, would you please inform the members of the steps this government is taking to support research in this province.

1530

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** I thank the member for Brampton Centre for this important question. Ontario's world-class researchers working at universities, colleges, hospitals and research institutions are creating knowledge, which fuels innovation. Our government recognizes that it's important to reward researchers and their excellence. To this end, we've created the Premier's Research Excellence Awards. The program provides early-stage support for researchers to help attract talented people to research teams. The total government investment is \$85 million over five years. To date, we've awarded 438 researchers with \$43.6 million.

Another program is the Premier's Platinum Medal for Research Excellence. This was created in the 2001 budget, with a commitment of \$10 million over six years. The Premier's platinum medal underscores Ontario's commitment to R&D.

**Mr Spina:** Minister, as well as turning on your tie to ensure a bright future for innovation in Ontario, you

know we have to invest in those who represent the future: our young people, people like my daughter.

Take a moment and tell the details of the Youth, Science and Technology program to the members of this House. And we'd really like to see that Christmas tie.

**Hon Mr Turnbull:** Our government certainly plays an important role in promoting science and technology literacy. The Youth, Science and Technology program, announced in September 2000, increases youth awareness of science, technology and innovation. Our government has committed \$5 million over five years. To date, 35 projects have been approved, which benefit over 100,000 youths annually. Projects span a wide range of subjects, including astronomy and biotechnology. Research varies and the youths are taking advantage of this in classrooms, laboratories and even under nighttime skies.

#### PETITIONS

##### WATER EXTRACTION

**Mr James J. Bradley (St Catharines):** My petition is to the Legislative Assembly and to the Honourable Chris Stockwell, Minister of the Environment, concerning the OMYA Canada Inc appeal of the decision of the Environmental Review Tribunal in a matter of a permit to take water from the Tay River, Perth, Ontario.

"For the past two years, a group of citizens has opposed the taking of a large amount of water from the Tay River for a consumptive industrial use. In February 2002 the Environmental Review Tribunal reached a decision that was a compromise between the needs of an expanding industry and the concerns of local citizens for the protection of water.

"The company, OMYA, now seeks to overturn the tribunal's ruling and has appealed the decision to both the Divisional Court and the Minister of the Environment. The Minister of the Environment has agreed to hear the appeal to him first.

"We, the undersigned, urge the Minister of the Environment to uphold the decision of the Environmental Review Tribunal and its precautionary and ecological approach to the management of water. In doing so, the minister upholds the government's commitment to the principles and recommendations of the Walkerton Inquiry report."

I affix my signature. I am in complete agreement with this petition.

##### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** These are more petitions on adoption disclosure. They read:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, the unrestricted

right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I will sign this petition because I support it.

#### CAT SCANNER

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario:

"Whereas various local partners have contributed capital funding for a CAT scan to be purchased by the Woodstock General Hospital; and

"Whereas a CAT scan is an essential piece of equipment for the practice of modern medicine; and

"Whereas a CAT scan is standard equipment for a hospital of this size in North America; and

"Whereas all hospitals associated with a city the size of Woodstock in southwestern Ontario have at least one CAT scan except for the Woodstock General Hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care approve the placement of a CAT scan at Woodstock General Hospital and provide the hospital with necessary operating funds to continue with its use."

It is signed by a great number of residents in the city of Woodstock and in the county of Oxford. I affix my signature to it, as I agree with those who signed the petition.

#### NATURAL GAS RATES

**Mr Pat Hoy (Chatham-Kent Essex):** I've received thousands and thousands of names in regard to this

particular petition. It's to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

I too have signed this petition.

#### PROVINCE OF ONTARIO SAVINGS OFFICE

**Ms Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Province of Ontario Savings Office was created in 1922 by united farmers and labour as a unique banking facility that allowed Ontarians to invest in their province; and

"Whereas the Province of Ontario Savings Office enjoys a strong popularity among Ontario residents, with over 100,000 accounts and over \$2.8 billion on deposit; and

"Whereas the Province of Ontario Savings Office offers customers attractive interest rates, generous chequing privileges and personalized efficient service, and every dollar deposited is guaranteed by the province of Ontario; and

"Whereas POSO has 23 branches serving 17 communities across Ontario, including Hamilton, Windsor, Ottawa and small communities in northern Ontario not served by other banks or trust companies. Places like Pickle Lake, Armstrong, Killarney, Gogama and Virginiatown; and

"Whereas the Tory government announced in its latest budget that it will put the Province of Ontario Savings Office on the auction block, even though it is a consistent revenue generator, and even though this revenue could help Ontario's crumbling infrastructure after years of Tory neglect;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To save the people's bank, the Province of Ontario Savings Office, so that it can continue its historic role of providing excellent banking services to families in communities across Ontario; so that people in small towns



will not be forced to go farther afield for banking services and forced to go to private, for-profit banks.”

I agree with the petitioners. I have affixed my signature to this.

### WATER EXTRACTION

**Mr Ted Arnott (Waterloo-Wellington):** I have a petition with many hundreds of names on it from the constituency of Dufferin-Peel-Wellington-Grey, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Genuine Springs Inc, located at lot 17, Concession 3, town of Mono, Dufferin county (land within the escarpment protection area, a world biosphere controlled by the Niagara Escarpment Commission) is planning to extract water from four wells that have been dug in the above-noted property, and bottle such water for commercial purposes at a different location; and

“Whereas a temporary permit to take water (No. 02-P-2077(T)) has been issued on August 6, 2002, in relation to the above-noted location, expiring September 30, 2002; and

“Whereas the residents of the town of Mono and Dufferin county are not aware of any scientific, objective and independent tests and studies having been conducted, assessing the implications of such water extraction, including the impact on the water table (the Amabel aquifer) and the surrounding environment;

“Now therefore the residents of the town of Mono and Dufferin county respectfully petition the Legislative Assembly of Ontario to halt the extraction of water for commercial purposes at lot 17, concession 3, town of Mono; Dufferin County, unless and until complete scientific, objective and independent tests and studies have been conducted, assessing the implications of such water extraction, including the impact on the water table (the Amabel aquifer) and the surrounding environment and until the results of such tests have been presented, received and understood by the residents of the town of Mono and Dufferin county. Furthermore, the petitioners respectfully request that no further permits to take water be issued to Genuine Springs Inc until the tests and studies herein referred to have been conducted and dealt with as noted in this petition.”

I have affixed my signature as well, as per the rules of this House.

1540

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** This is from OMYA Canada Inc—appeal of the decision of the Environmental Review Tribunal in the matter of a permit to take water from the Tay River in Perth, Ontario.

“For the past two years a group of citizens has opposed the taking of a large amount of water from the Tay River for a consumptive industrial use. In February 2002 the Environmental Review Tribunal reached a decision that was a compromise between the needs of an

expanding industry and the concerns of local citizens for the protection of water.

“The company, OMYA, now seeks to overturn the tribunal’s ruling and has appealed the decision to both the Divisional Court and the Minister of the Environment. The Minister of the Environment has agreed to hear the appeal to him first.

“We, the undersigned, urge the Minister of the Environment to uphold the decision of the Environmental Review Tribunal and its precautionary and ecological approach to the management of water. In doing so, the minister upholds the government’s commitment to the principles and recommendations of the Walkerton Inquiry report.”

I will affix my signature to this petition, because I am in full agreement.

### PROVINCE OF ONTARIO SAVINGS OFFICE

**Ms Shelley Martel (Nickel Belt):** This petition has been signed by many people who live in Guelph, Ontario. It reads as follows:

“Cancel the decision to sell the Province of Ontario Savings branches, as many account holders are seniors and long-time account holders, among many other ... satisfied customers. These banks and staff are a credit to their province.”

I agree with the petitioners; I have affixed my signature to this.

### HYDRO RATES

**Mr Bruce Crozier (Essex):** I have a petition to the Legislative Assembly of Ontario.

“Whereas electricity bills have skyrocketed under the Harris-Eves government’s flawed electricity plan; and

“Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protections; and

“Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

“Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

“Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario’s debt burden; and

“Whereas the Harris-Eves government has added additional fees and taxes to local electricity distribution companies. These charges have also been passed along to consumers;

“Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate

action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader Ernie Eves call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

In support, I sign my signature.

#### MEDICAL REVIEW COMMITTEE

**Mr Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas the OHIP schedule of benefits is often unclear about its definitions of good medical practice for many serious medical conditions: general checkups, re-checks, psychotherapy counselling and often major illness care by specialists;

"The medical review committee of the College of Physicians and Surgeons has been aggressively clawing back payments to hard-working, conscientious doctors on the basis of these flawed definitions and skewed statistical analyses.

"We, the undersigned, request the Minister of Health to suspend further reviews by the medical review committee; return the monies with its penalties, pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

#### HYDRO RATES

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario:

"Be it resolved that we, the undersigned, demand that the Ernie Eves government convene a legislative committee to oversee electricity issues in order to inform and protect the public interest."

This petition is signed by numerous members of my riding, including Mitch Hepburn, the great-grandson of the former Premier of this province from 1934 to 1942.

#### OPTOMETRISTS

**Mr Peter Kormos (Niagara Centre):** I have a petition to the Ontario Legislature.

"Whereas the Legislative Assembly of the province of Ontario will be considering a private member's bill that aims to amend the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases; and

"Whereas optometrists are highly trained and equipped with the knowledge and specialized instrumentation needed to effectively diagnose and treat certain eye problems; and

"Whereas extending the authority to prescribe TPAs to optometrists will help relieve the demands on ophthalmologists and physicians who currently have the exclu-

sive domain for prescribing TPAs to optometry patients; and

"Whereas the bill introduced by New Democrat Peter Kormos (MPP, Niagara Centre) will ensure that patients receive prompt, timely, one-stop care where appropriate;

"Therefore I do support the bill proposing an amendment to the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases and I urge the government of Ontario to ensure speedy passage of the bill."

This was sent to me by R.D. Lidkea of Fort Frances, Ontario, and accompanies many others.

#### HYDRO ONE

**Mr Pat Hoy (Chatham-Kent Essex):** An important petition to the Ontario Legislature:

"Whereas the Conservative government plans to sell off Hydro One and Ontario's electricity transmission grid—the central nervous system of Ontario's economy;

"Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

"Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that carries electricity to their homes is a disaster for consumers;

"Whereas selling the grid will not benefit consumers—the only Ontarians who will likely benefit are Bay Street brokers and Hydro One executives;

"Whereas selling Hydro One and the grid is like selling every 400 series highway in the province to private interests—selling the grid means the public sector will no longer be responsible for its security and protection;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

"To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario."

This is signed by good citizens from Ridgetown, Blenheim, Chatham, Thamesville and Muirkirk. I too have signed this petition.

1550

#### ORDERS OF THE DAY

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the chief government House whip.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Because I'm the only government House leader. That's why I'm the chief.

Mr Speaker, order M186.



COLLISION REPAIR  
STANDARDS ACT, 2002  
LOI DE 2002  
SUR LES NORMES DE RÉPARATION  
EN CAS DE COLLISION

Mr Sampson moved third reading of the following bill:

Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a complementary amendment to the Insurance Act / Projet de loi 186, Loi visant à améliorer la sécurité sur les voies publiques et à protéger les consommateurs en réglementant le secteur de la réparation en cas de collision et à apporter une modification complémentaire à la Loi sur les assurances.

**The Deputy Speaker (Mr Bert Johnson):** Mr Sampson has moved second reading.

**Mr David Caplan (Don Valley East):** Third reading.

**The Deputy Speaker:** Third reading; I'm sorry. The Chair recognizes the member for Mississauga Centre.

**Mr Rob Sampson (Mississauga Centre):** Thank you, Speaker. I hope I said third reading. Indeed, that is what we are doing here.

Before I start, I want to say thank you to a number of people who have been involved in the preparation of this bill, the process the bill has gone through since its first introduction, actually in June of this year, and then its second first introduction in October of this year. Right off the top, I should probably thank the House leader for—well, I know he's a little disappointed that he wasn't promoted to be the chief House leader, but there's always next year, you know, subject to promotions.

*Interjection.*

**Mr Sampson:** You don't want the job. But he has been helpful, of course, as have been the other House leaders, frankly, in allowing this bill to move through the process, allowing members of all the parties to speak to this in a fair and open way and—

**Ms Shelley Martel (Nickel Belt):** Give him a kiss. Pucker up.

**Mr Sampson:** No, I think he's done a good job in doing that.

But let me move on from there, because there are more people involved in it. The member from Oak Ridges, who originally sponsored this bill in June of this year was promoted to be the Minister of Tourism and of course had to then leave his private member's bill for somebody else to pick up. I was more than happy to do that, because of course it was that member and myself who originated the work on this in 1986 when it became clear to us that the industry needed a good looking at as it related to the regulation of what was done in the collision repair industry. Both that member and I started the work of listening and talking to people who were in the industry, asking them for their opinions and focusing them on issues that would try to improve consumer protection in the area where consumers are dealing with

having to get their car repaired, whether it's as the result of an accident or just to get their car repaired as a result of some sort of damage that was otherwise caused to the vehicle.

That brings me to the Minister of Consumer and Business Services, who has kindly and with full enthusiasm accepted the concept of the regulation, self-regulation if you will, of this particular industry. It's a concept that's not terribly new to this House or to this province, since there are a number of other professions, I shall say, and businesses that have embraced the concept of self-regulation to establish and maintain and police a fair and equitable level of performance standards across the entire industry. So I want to thank the minister for his support on that, his continued support of the bill. Should the House decide to carry this bill, I hope he will continue to enthusiastically support this concept as it goes through its development phase.

I also want to thank the members of the opposition, who have taken their partisan hats off, which is difficult in this place, and worked with me to improve the bill that was not only tabled in June but, as I said, re-tabled on October 7 of this year. It went through the committee process. We had deputations from a number of people; either they came before the committee or they wrote to the committee and made some suggestions for amendments. I would say to you that in a spirit of co-operation that is not usually seen in this House, unfortunately, the bill has been substantially improved over the version that was originally considered by this House at first reading. I want to thank members of the opposition for their efforts, non-partisan efforts, to try to improve this piece of legislation for the benefit of consumers.

I also want to thank the many shop owners throughout the province of Ontario and their relative associations. I say associations, because there are a few of them. Some of those members are here in the House today watching the proceedings. I want to thank them for their efforts in taking a look at the concept of self-regulation and embracing it and agreeing that it's indeed something that has been called for in the industry for some time. It's time has come. It's not an easy concept to embrace because it does mean there will be this oversight on your operation; there will be this process that will determine standards of performance, the type of qualifications employees have to have etc. It's not easy to accept those. Those, of course, will have to be paid for somehow. I think the industry has agreed that they are going to have to be part of the process that helps fund this. Don't look toward government to pay for this. These are difficult issues to grasp.

When Frank and I originally proposed this concept, it was a group that, I would argue, was not very cohesive, was a bit fractioned, if you will. There were groups that didn't particularly want to work with other groups. They have gotten over that. I think there's a little bit more to be done in that area as we proceed, should the House agree to this bill, to implement self-regulation in the auto repair, collision repair industry. That's my eight minutes of thanks for your support.

Now just a few minutes, if I can—because I know other members do want to speak to this—about what this bill is doing. To the people watching today, to the people who will read these debates in Hansard going forward, to those who will have to work with it, should it get passed, the bill is quite simple. It simply creates a framework that will involve collision repair people, consumers and government people though the ministry. It creates a framework that will involve those people and engage them in the creation of the standards that will be applied to everybody in the collision repair industry in Ontario in order to do business in that business in this province. It simply establishes the framework for that committee and that oversight group.

As a related issue, it also establishes some principles, which I have called in this bill the motorists' bill of rights, as to what consumers can and should expect from this bill and their involvement with collision repair and the related involvement with the insurance industry. They will have the right to be able to pick, among certified shops, those shops that they would like to have their business done at. They can receive some recommendations. The bill calls it "a statement advising the consumer that an insurer may suggest that the work be done at a particular ... shop," but that's the extent of the direction that insurers can provide. But all the work must be done at a certified shop. So the core principle, which actually exists today under current legislation that is buried in the Insurance Act, I've decided through this bill—and I hope this House will accept—to elevate to this particular legislation to clearly outline that the consumer has a choice among certified shops. I know the member from Niagara would agree with that.

**Mr Peter Kormos (Niagara Centre):** And the member from Niagara does agree.

**Mr Sampson:** The member from Niagara does agree. That's why I said earlier that I'm pleased to see that members like the member from Niagara and other members in the House have taken off their partisan hats in dealing with this particular issue. There is nothing partisan about consumer protection, and the member for Niagara knows that. There's nothing partisan about protecting the little guy. There's nothing partisan about protecting shop owners who've invested a sizable amount of their family wealth in the business of collision repair. There's nothing wrong with making sure that they are competing on a level playing field with other people in the collision repair industry. I know the member is speaking from the floor and he should normally be at his seat, and he supports that statement. I can tell that by what he is saying.

*Interjection.*

**The Deputy Speaker:** You will, and I'd ask that you would address your comments through the Chair as well.

**Mr Sampson:** I will do that because while I was—

*Interjection.*

**The Deputy Speaker:** Member for Niagara Centre, come to order.

1600

**Mr Sampson:** While I was slightly distracted, I do know that you are keenly interested in this subject, Speaker.

All this bill does is simply establish the framework for the regulatory environment to come. It doesn't establish the exact rules, guidelines, if you will, that the shops will have to speak to. That will come from the group that will provide the oversight, which includes the people who are actually in the business. There's no rocket science to this design. It simply says that those who are in the business and those who are paying the bills to keep the business going, the consumers, should have a say in setting the standards of what is expected from a collision repair in this province.

It's not acceptable that we have repairs being done that produce unsafe cars. It's not acceptable that we have repairs done that are not in accordance with other provincial standards, whether they be environmental standards around the use of paint hoods or employment standards around who is qualified to do this work. What is acceptable is that when consumers take their car into a shop to get repaired, they expect it's done effectively, efficiently and to safety standards that attempt to return that vehicle, as much as possible, to the state of repair it was in before the accident.

These will be the challenges the oversight committee will have to face, should this bill be passed and they're given this responsibility to come up with these standards. It won't be easy. I know some work has been done by some groups on what those standards might look like, and that's probably a good place to start. I know other provinces have tried this. BC has a program around collision repair standards, and we might be able to borrow from some of the work they have done. Other jurisdictions, no doubt, have faced this issue. We don't need to re-create the wheel here, but what's needed is the fundamental framework, the footings if you will, of this brand new building we're creating around collision repair. I think this can also be a model that could be applied to people in the related collision repair industry, the glass industry, in this province. Perhaps there are some models here we can modify to deal with mechanics, people who repair the engines. Many consumers have come to me and suggested that perhaps that's an area we might want to expand to.

I would encourage the House to support this sooner rather than later, because we do need to get on with the job. There are people around here—

**Mr Caplan:** It's up to the House leader.

**Mr Sampson:** It's up to you to, I say to the member opposite. This is a private members' issue, it is called and surely your House leader will allow you the flexibility to deal with this as a private members' item. I am encouraging support of this item. I think it's the right thing to do. We have bridged traditional partisan positions in this House to get to the point we are at now. I think it's a tremendous statement of democracy in this Legislature



that we have gotten so far on this one, and we can get to the finish line.

It's the right thing to do for consumers; it's the right thing to do for people who are in this business, watching today. We're talking about their livelihood. They are expecting things of us as legislators on this subject. I encourage the members of this House to work with me and the ministry, because that will be involved, in making this dream that we now have on paper here as a third reading item a reality for the people in this province.

**The Acting Speaker (Mr Steve Peters):** Further debate?

**Mr James J. Bradley (St Catharines):** The concept of this bill is one that is very supportable. There's an implicit criticism, though the member would not want to say this of course, that other consumer bills presented in the House by his own government did not include the provisions of this bill. It is unfortunate that he has had to introduce this bill himself rather than have the Minister of Consumer and Business Services introduce it. It just shows that sometimes when one part of the government is not functioning as he sees fit, that he is able to then find a way around that through the provision of the private members' hour on Thursday mornings and now a debate that's taking place in the House today.

What we have out there is an industry that has a lot of good people in it—the member has acknowledged that—a lot of good businesses, honest, reputable people who take a good deal of pride in doing the job they do, that job being repairing vehicles that mostly have been in some kind of collision, others that have had some problem that has caused the vehicle to be damaged in some way.

Everyone wants to ensure that when the repair work is done, it is done in a fairly priced manner and in a very competent manner by competent individuals working on the vehicle, that there's satisfaction on the part of the consumer, and of course the insurance company will want to be satisfied as well, because they're another player in this.

There are a few players involved in this. I was reading some remarks from Monte Kwinter, who was at one time the Minister of Consumer and Commercial Relations, as it was called then, who was dealing with this and had made some comments. I don't see the date on this, but he was talking about Bill 186, so I'm sure it was this bill. He pointed out that there are a number of different groups of people who have a stake in this.

First and foremost, and I think the member points this out in his initial remarks, is the consumer, the person who is paying to get the service, the person whose vehicle requires repair. A second component is going to be the insurance company, which is often the entity that is paying for the repair. Third are the tow truck drivers, who are sometimes making the decision as to where the vehicle shall be towed. Fourth is the government of Ontario, which oversees this matter.

The complaints that the member has talked about and that prompted him to bring this bill forward are quite

legitimate complaints. We all know some extremely reputable and competent companies that undertake this work, but we have also received as individual members of the Legislature, and simply as individual citizens in conversations, horror stories about the experiences some have had with repair shops, that the work was done in a very standard way, that there was an overcharge, that sometimes a vehicle was kept for an excessive period of time. There are complaints in some cases that insurance companies are going to quarrel over the kind of work that is done and whether they're going to pay for part or all of the work that is done. So there are many issues here to deal with.

The member also knows, and he would be interested in this in a former position he held, that there's a great problem arising out there in the field of insurance. My understanding is that the reinsurance aspect of the insurance industry is now charging the insurers a good deal of money for their premiums. I take it that the insurers must pay what amount to premiums themselves, and then they insure people at the front line. There is a concern that the reinsurers, for a variety of reasons, have hiked their rates considerably and that is now being reflected in rates across the province.

I raised an issue yesterday by means of a letter to the Minister of Health about insurance concerns for people who are delivering a service that is called a respite service. These are medical workers who visit homes where there are people with Alzheimer's and other kinds of dementia. They offer a respite to the people who on an ongoing basis, 24 hours a day, seven days a week, are caring for individuals who through no fault of their own have many problems and pose many challenges for the caregiver in the home. Their insurance rate last year, for instance, I think was \$52. This year it is expected to go well over \$500. These are people who make \$9 or \$10 an hour in that job. They can't be expected to pay the greater premium. The Ontario government obviously, through the Ministry of Health, will have to provide greater financial funding to this service to enable the people to do their job appropriately.

1610

I'm not diverting from the bill. It just points out that there are so many areas now where we are encountering two things: first, the inability to get somebody to write an insurance policy for a particular area, and second, when they do write it, the extent of the premium. All of us have had our premium notices for our homes, where you own homes, and found they have gone up. I see mine has gone up well over \$100 for a premium in a year. If you look at auto insurance premiums, they are going up. Premiums for virtually any kind of insurance are going up.

What is even more worrisome is the fact that not only are they going up, but many people are unable to obtain the coverage they want. Part of that is tied in to this bill. I think if the member's bill is put into practice, we will see an improvement there because all of the shops are going to be certified. He says in his bill that he wants all the shops and ultimately all the people who work in those

shops to be certified professionals, people who are competent in the business, so that insurance companies will not be balking at having a vehicle sent to one particular shop and there's a quarrel between the individual and the insurance company, and then in the middle is the shop owner.

We will also eliminate, presumably because there will be a mechanism to police this, a problem that will exist, which will be the problem of overcharging, where people are given some kind of estimate and then ultimately it comes back and it's a higher cost. Second, the quality of work will be a matter at issue. If they are licensed, if they are certified, this reduces the risk of that happening.

I have to say that it is unusual for a member of this government to be looking for more regulation. It's refreshing in some cases. I don't think the member is presently a member of the Red Tape Commission. Heaven forbid they get hold of this bill somewhere along the way and attempt to gut it, because we have seen the work of the Red Tape Commission in many cases.

**Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation):** Ah.

**Mr Bradley:** The former Treasurer of the province dramatically indicates what can happen to a bill of this kind, and that is that the bill can be, shall we say, torn up, whether in a tangible or an intangible way. I wish the member well in avoiding the sharp teeth of the Red Tape Commission.

I well remember, and I know from conversations with people—I'll say in general because I never like to reveal the content of private conversations. There are people who have held the position of minister in the government, and still hold that position, who have not always spoken fondly of the Red Tape Commission and its meddling in the affairs of individual ministries. I am sympathetic to them.

Certainly the Ministry of the Environment, back in the days of the Walkerton tragedy, and particularly in the days of the dramatic cuts to the ministry and the change from public laboratories to private laboratories—I think we know from the testimony before Justice O'Connor and his commission on Walkerton that the interference and tampering of the Red Tape Commission had a chilling effect on that ministry when it came to ensuring there would be an appropriate regulatory framework put in place when the public laboratories operated by the Ministry of the Environment, with the very best of people in them, highly competent laboratories, were closed in favour of private laboratories and a proper protocol not put in place to ensure the protection of the consumer, of water in this particular case. So I wish the member well in that regard.

I am pleased that the president of the Collision Industry Standards Council of Ontario has endorsed this bill, saying, "The collision and auto body industry in Ontario appreciates the efforts of," the member "for bringing forward a bill that will protect the motorist public from unethical shops that provide unsafe repairs." So the association itself is not there to defend the bad actors.

It's always so unfortunate in business, when you have so many good people, so many reputable business people, that the reputation of an industry at large can be tainted by a few bad apples in that industry.

The member for York Centre, the Honourable Monte Kwinter in years gone by—we don't hold the term "Honourable" after we've left that position; it's not that we become dishonourable, it's just that they take the "Hon" out in front of our names. Federally that doesn't happen. In fact, if they've served in the cabinet, they can have "PC" behind their names. The member from Mississauga can have "PC" beside his name. Even though I was in the cabinet at one time, fortunately I don't have that. That stands, in that case, for Privy Councillor, not for Progressive Conservative. Heaven knows, we'd have to go a long way to find a progressive Conservative anyway, but I'm told there are a few in the government caucus still in existence.

**Mr Caplan:** Name names. Who?

**Mr Bradley:** The member for Bramalea-Gore-Malton-Springdale claims that he is, but I notice that he has been—you can't use the word "shill" because that would be too condemning—the spokesperson for the polluters who don't like the Kyoto accord.

**Mr Caplan:** Is that Raminder Klein?

**Mr Bradley:** I've often say, when he rises in the House, "I see Raminder Gill and I hear Ralph Klein."

On some issues I would agree with Raminder more than I would with Ralph. On this, they seem to be on the same wavelength, unfortunately, and there's not a counterbalance from the Minister of the Environment to be able to hold back on this.

I would say as well, and this is a bit of a stretch, that the passage of this legislation would be good for the environment, because when they are repairing their vehicles, people are going to ensure that not only are they going to be up to safety standards, and that is paramount in this legislation, but also up to environmental standards. Their vehicle wouldn't be left in such a state that, for instance, it would have emission controls that would not be working appropriately. So I would certainly see an environmental component in this.

I notice there is an advisory board, called the collision repair advisory board, that will be established. It's going to include individuals who know the business. Unfortunately, I recall seeing that it says they're appointed by order in council, which means by the cabinet.

There are some members of the government agencies committee, of which I am chair so therefore I have to be neutral and not pass judgment—I was told that when I assumed the position. So I will say there are people on that committee who have suggested that the major criterion for being appointed to a government position is support in some tangible way for the government of the day. Many have been presidents of the Alliance and members of the provincial Conservative Party. Members on the other side, such as Marcel Beaubien, would tell me it's purely coincidence that 95% of the people have been supporters of the Progressive Conservative Party.



The fact that a large portion have actually tangibly sent a cheque before appearing before the committee as a person to be appointed has nothing to do with it. I'm sure the contribution made to the Conservative Party has nothing at all to do with the fact that they've been appointed by the government.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** If it's a Liberal, it's 100%.

**Mr Bradley:** Well, there are some appointments that are made, and I would hope they would be on the advisory board, of members of the Progressive Conservative Party that I think are quite appropriate. I don't think that being a member of the governing party—in this case the Progressive Conservative Party—should preclude anyone from being appointed to the advisory board.

However, I would hope that, in the spirit of the debate taking place in the Legislature this afternoon and the spirit in which this bill was introduced, critical as it is, by implication, of the Ministry of Consumer and Business Services for not bringing forward this kind of legislation, and ecumenical as this afternoon is, I would suggest that the member would want to ensure that those appointments to his advisory board are clearly non-partisan, or at least are very competent people in the field, that a donation to the Conservative Party is not an essential entrée to an appointment to this board—

**Mr Beaubien:** What about owning golf courses or parts of golf courses?

1620

**Mr Bradley:** That's something I'll have to think about. I'll have to think about that one. I don't want to get distracted. I've been trying to stay on the essence of the bill all afternoon, and the Speaker knows I've been trying to do so. Therefore, I don't want to talk about golf courses because I'd have to get into some golf courses in the North Bay area, and having—

*Interjections.*

**The Acting Speaker:** Honourable member, it would be nice if you could come back to the debate at hand, please.

**Mr Bradley:** I will not mention—is it Ostrey?

**Mr Caplan:** Osprey.

**Mr Bradley:** I will not mention Osprey Links in North Bay, because I know it would be embarrassing to the member, and I know the other member for Mississauga and Brampton—Brampton, in this case—agrees with me entirely. I can tell. He's nodding now, either in agreement or nodding off, one of the two, at the scintillating speech that is being delivered on this bill this afternoon.

I think that advisory board's going to be important to lend credibility to this bill. We'll want to see top-notch people. The member, I think, has been wise by looking at the categories of people to be appointed in order to get input from all the people who are involved. I want to make sure that it's simply not another patronage home for Progressive Conservatives, members of the Alliance and others who are supportive of the government.

I also want to say that I'm glad to see there's a review component for complaints against certified collision repair shops, because people will say, "Well, OK. This excludes the ones who are not certified, so you don't have to worry about those in the mix." The member has been wise enough, I think, to include a review of complaints even against those who had been certified, because it's difficult on an ongoing basis to watch every aspect of the business. So there should be that mechanism open. I think good repair shops are going to welcome that. They'll be able to defend themselves if they feel that they have done an appropriate job and that the complaint is not valid. They would welcome the opportunity to be able to respond to that, rather than simply having somebody mumbling in the background about it and passing bad news along about the repair shop. It would be right out there to be dealt with in a quasi-public way, if not an entirely public way.

I see the minister is the one who "may ... decertify collision repair shops ... and refer matters concerning the collision repair industry to the advisory board for review and advice." That is a bit of power. One always hopes—and I'll tell you where this comes in—if you were to lower the amount of money that people could donate to individual candidates or political parties instead of raising it, as you did last time, and lower the amount that individual candidates and parties can spend in an election campaign, then this wouldn't be as big a component. Somebody said to me, who will remain nameless at this time, "Wouldn't you worry that one of the ways of getting certified, because it says the minister may certify, would be to make a sizable donation to the government?" I suggested this couldn't possibly happen in Ontario, but this person was not as confident as I that it couldn't.

I wish the member well in the implementation of this bill. I hope he keeps a watchful eye on the Ministry of Consumer and Business Services and his colleagues in the government caucus.

**Mr Kormos:** I am pleased for the opportunity to speak to this bill. I used to accuse the author of this bill of being in the back pockets of the auto insurance industry. Indeed, I used to tell folks that he was so deep in the back pockets of the auto insurance industry that he was spitting out lint. It's nice to see that he's come up for air for enough time to come to the aid of small business people who have been victimized by the auto insurance industry in the same way that the auto insurance industry continues to victimize innocent victims and premium-payers across this province.

*Interjection.*

**Mr Kormos:** Look, we didn't have a chance to debate Bill 198. The government made it quite clear it wasn't going to go to committee because hidden away in Bill 198 were some of the most egregious attacks on innocent victims that this province has witnessed—

*Interjection.*

**Mr Kormos:** Well, they were—all dictated by the auto insurance industry, speaking into the Dictaphone. I don't know whether it was the author of this bill, because

he was the member of the government caucus who did the consultations—he was their mouthpiece here in Queen's Park. I don't know whether he sat on their laps while they were giving dictation, writing it down in longhand and typing it out, or whether we got it via e-mail.

But it's refreshing to see the author of this bill finally understand that the auto insurance industry is not the consumer's friend, that the auto insurance industry has been scamming and scheming its rate payers for decades in this province—the auto insurance industry, with its short arms and deep pockets; the auto insurance industry which is oh so efficient when it comes to collecting premiums and oh so eager to ensure that it's done properly, but, oh boy, when it comes to paying out benefits, all of a sudden they become recalcitrant, to say the least. And part of the process has been the sweetheart deals the auto insurance industry has had with selected collision shops, the deals meaning that insured vehicle owners are required to take those vehicles to those shops. New Democrats stand firmly with the proposition that the owner of a vehicle, once that vehicle is in a collision, should be able to choose the collision repair place, the one that they have confidence in, the one where they have a rapport with the—

*Interjection.*

**Mr Kormos:** Whoa. Don't get ahead of yourself. So far, so good.

**Mr Sampson:** I only trying to help you, Peter.

**Mr Kormos:** Trust me, Mr Sampson, I neither need nor want your help when it comes to the auto insurance industry. You've helped too much. My premiums, like everybody else's in this province, have gone up 10%, 15%, 20% since this government came into power. This government passes more sweetheart legislation in Bill 198, and the auto insurance industry says it's going to help control costs. They get their legislation, but they're also promising double-digit premium increases, notwithstanding the legislation. Those guys are crooks and you're a collaborator. If those guys are the bank robbers, you're driving the getaway car. Here we've got small business people who know what it's like to have to take on the big auto insurance industry, to effectively be blacklisted by the industry.

You see, what happens is that the auto insurance industry, which could give a tinker's damn about the welfare of its insureds, has been, among other things, ensuring with its sweetheart deals with select collision shops, that consumers are forced to take, let's say, substandard glass, windshields. Am I right? That's what's happening. When you've got the auto insurer saying, "No. No. No. We get to choose who the repair shop is," you end up getting some Saran Wrap in that window in front of you or behind you instead of something that meets the minimum standards to the original manufacturer's equipment.

*Interjection.*

**Mr Kormos:** I don't give a tinker's damn about any glass supplier that's putting Saran Wrap in, because I

want my windshield or my rear windows—because, as you know, Mr Sampson, the windshield is an integral part of the structure of the vehicle.

**Mr Sampson:** Especially your Corvette.

**Mr Kormos:** Yes, especially when you drive a North American car that's a little exotic. From time to time I've had occasion to borrow friends' sports cars. They've let me drive them. I remember one of them was a convertible. I got to borrow it for an afternoon, and it was nice. I concede it was nice.

One of the problems that I've got, though, is that a lot of tinkering went on in committee, didn't it? Be careful, folks. Don't read the bill as it was presented at first reading. Read the bill as it flowed out of committee.

The bill, I am confident, will serve consumers. Most importantly, it'll protect those small entrepreneurs who are out there, yes, like the folk up there. I've talked to some of them on the phone who've been gracious enough to telephone me or write me with their views regarding this bill and the propositions contained in it.

**1630**

But I've got a little problem, because in the original version of the bill, the Insurance Act was amended, basically telling an insured that he or she could have a repair performed at any certified collision repair shop. So be it. We understand the need for the certification. It's to prevent unqualified fly-by-nighters, let's say, from doing jobs, charging the insurance company and then everybody getting scammed. I understand the industry has no quarrel with certification. Let's make sure that we understand the certification is going to be fair and accessible and not overly expensive.

But I don't know if everybody read how the government amended this bill in committee. Here is a little bit of caveat emptor.

**Mr Bradley:** You mean it has changed?

**Mr Kormos:** Oh yes, it's changed. The antennae should be ascending.

**Mr Sampson:** Those changes actually were brought forward by you guys.

**Mr Kormos:** Oh no, not this one, brother. Take a look at where it qualifies the right to take your vehicle to a collision repair shop of one's choice "subject to any rules that may be made in regulations under subsection (3)." Yikes. You see, the first version of the bill is clean. You've got the right: bingo, bang on, done and over with. Mr Sampson, that wasn't an NDP amendment.

**Mr Sampson:** Yes, it was.

**Mr Kormos:** No, it wasn't. That wasn't an NDP amendment. "Subject to ... regulations under subsection (3)"—the problem is that those regulations are going to be made behind closed doors, in secret.

Look, I've got to give the author of this bill some credit, but my fear is that he won't be around when those regulations are made. What if he's not with us? What if he has taken an appointment to the Senate? What if Mr Sampson has gotten a job with a high-priced international banking operation? What if Mr Sampson gets a job as a cowhand on a spread down in Oklahoma? Any number of



things can happen, because Mr Sampson is connected, Mr Sampson knows powerful people, knows important people. Mr Sampson is close, a seatmate, with people who pull strings around here.

*Interjection.*

**The Deputy Speaker:** Order. The member for Scarborough Centre, come to order.

**Mr Kormos:** So I'm just warning everybody, a little bit of caveat emptor: "Subject to ... regulations under subsection (3)." That causes me some concern. At this point we have to, I suppose, take what we've got and hope for the best, which is all too often the case. But I want to wish the participants in the industry the best.

Mr Bradley, what's that fellow's name down in St Catharines, the Red Tape Commissioner type of guy?

**Mr Bradley:** Frank Sheehan.

**Mr Kormos:** Frank Sheehan, yes. He used to be well known down there. Did he run against me?

**The Deputy Speaker:** Order. If you want to ask a question of somebody else and give up your time, go and do it quietly and we'll go to some other. Other than that, we won't tolerate it, and we won't have questions answered out loud in the House either.

**Mr Kormos:** Speaker, I appreciate your firm hand in these matters. I invite you to throw people out who are heckling me from their seats. I will quietly stand by to permit you to do that, should the occasion arise, because it's unsettling for me to have people speaking while I'm speaking. I find that a distraction and most disturbing. Thank you, Speaker.

This didn't come from the Red Tape Commission. I have no two ways doubt about it, not in a million years. You see, the Red Tape Commission doesn't believe in fettering the hands of the of the big corporations. Mind you, the Red Tape Commission believes in tying the hands of the little guys and gals, of little business people. The crux of this is recognizing that the market out there works but doesn't work for the little operator; that the market out there can generate a whole lot of profit, but at the end of the day, a Wal-Mart can come into town and shut down half a dozen hardware stores and small business people. It's the small business people who need the help. That's why governments are involved, Mr Sampson, in the process of regulation. That's what your bill acknowledges and appears to understand, and I give you credit for that.

I see a progressive bent in Mr Sampson that he quite frankly didn't have when he was first elected here. When Mr Sampson came here, he was a deregulator. It was, "Let the market prevail. Let the more powerful survive," this Darwinian economic perspective that somehow he had cultivated within him, perhaps due to his previous work culture.

*Interjection.*

**The Deputy Speaker:** Order. Sometimes there has to be a line drawn in the sand. I don't like it. I like the line to be a little wavy and so on, but you want to push the line over on to my toes. No way. If you want, I'll just make it that whoever says the next word other than the

speaker will be out of here. You've given me the job of making sure that there's decorum in this House. I want to do the job that you've given me to do.

The Chair recognizes the member for Niagara Centre.

**Mr Kormos:** Thank you very much, Speaker. The member who authored this bill was testing the Speaker, pushing the limits. I want you to know I'm on your side in this matter. I support you entirely in the exercise of your discretion, should you decide to throw him out. I wouldn't blame you in the least. I, as Speaker, wouldn't put up with this sort of stuff, either. It's an assault on the traditions of this House.

I do note that Mr Sampson—and I trust that it's in no small part due to his intimate dealings with the auto insurance industry. He came to this chamber as a hardened libertarian right-winger: "Let the markets prevail." Darwinian capitalism, "If you end up disappearing as a result of the might of the big guys, too bad, so sad." It's the old Hula-Hoop syndrome that his leader, to whom he was very faithful, Mr Harris—that is, Mr Sampson was very faithful to Mr Harris, and Mr Harris awarded him appropriately. Here is Mr Sampson, this libertarian right-wing capitalist, who now has come a long way, who now is more sensitive to the fact that big corporations use their weight and their might to snuff the life out of the little guys.

I have no doubt that Mr Sampson, the author of this bill, acquired that bent from his dealings with the insurance industry. He has been courteous enough to them not to divulge any of the confidential information that they shared with him. I wouldn't expect him to be anything less than discreet. But boy, if I had been a fly on the wall in some of those meetings and seen the insurance industry and heard them giving marching orders to Mr Sampson, playing with him like one plays with a marionette, bidding him to do their will, whether he agreed or not—because it wasn't just a matter of him serving their interests. They felt as if they owned him.

Now here we are today with Mr Sampson displaying far more charity to the little guy than we would ever have seen from him however many years ago. How many years ago was it, Speaker, that Mr Sampson got here?

**The Deputy Speaker:** Seven.

**Mr Kormos:** Some seven years ago now.

We have my colleague from Sault Ste Marie, Tony Martin, who understood what it was about if you're a small business person. That's why Tony Martin has been fighting for fair franchise legislation in this Legislature just darn near about as long as he has been here—first elected in 1990. It's nice to see that more than a little bit of Mr Martin has rubbed off on Mr Sampson. It's nice to see that Tony Martin has influenced not only his colleagues in the New Democratic Party but that he has also—Tony Martin is a progressive. He's a left-winger. He's a person who believes that we live as a community, that we have to work with each other, that we have to share our burdens if we are going to enjoy any successes.

1640

Mr Martin has been a champion for small business, and it's nice to see that Mr Martin's admittedly left-wing

bent has had some significant influence on Mr Sampson. Why, Mr Sampson, I see now, is almost in tears upon his reflection of the conversion that he has undergone. He's silenced by the immensity of the realization that he has made perhaps a 180-degree turn in his life. He's making efforts to speak, but he can't. He's so moved by the fact that this conversion is being recognized; I believe in some circles it's an epiphany. It's fascinating to see Mr Sampson silenced, choked up perhaps by understanding that he now finds himself on the left. I want to welcome him. It's about time. Lord knows, people like Tony Martin and other New Democrats have been fighting alone for small business people too long. It's nice to have allies. It's nice to see people come over to our side, in our support and advocacy for small business people.

In encourage the industry to play an active role—

**Mr Wayne Wettlaufer (Kitchener Centre):** You want his side?

**The Deputy Speaker:** Member for Kitchener Centre, come to order.

**Mr Kormos:** Are you going to throw him out?

I encourage small collision shop operators to insist on playing an active role in the drafting of the regulations. The bill to date shows a marked improvement for the status of those small collision shops. I want to indicate that in my instance from time to time, when I need bodywork, I use my local Chev dealer, David Chev Olds down in Welland. I have never had an insurance claim yet, thank goodness, because if I had, Lord knows I wouldn't be able to afford the premiums. One claim, even if it's not your fault, and the insurance industry will basically pull the tires off your car, or you end up paying three times over for the work they perform. But I use David Chev Olds and it happens to be a unionized shop, which is one of the attractions. I know there are good workers in it.

But I also know other small collision shop operators down where I come from in Niagara region whom I would trust as readily, who I know have been excluded from the opportunity to do collision repairs, whether it's a windshield that's gone—look, I'm a fan of the independent operator, the small owner-operated business, because those men and women in those small owner-operated businesses work incredibly hard. They work 40-, 50-, 60-, 70-, 80-hour weeks; they don't have vacation pay, the whole nine yards. But as owner-operators of small business, they contribute to the community economically. It's that work in that shop that sends kids through college and university. I'm a fan of those types of operations.

Let's be vigilant and make sure, when the critical part is reached, the drafting of the regulations, that those regulations are as consistent with the bill as we would hope they are and that those regulations remain true to the spirit of the bill. This is an anti-auto insurance bill, no two ways about it. I'm proud to join with Mr Sampson in taking on the auto insurance industry. I welcome him as an ally in this critique of the auto insurance industry and in the understanding and recognition that they're a

greedy gang. The auto insurance industry is a greedy gang that'll rob you blind if you don't have regulations protecting the consumer. This is that very sort of regulatory regime that protects consumers, that protects the small business people who otherwise would have been squeezed out. If the regulations are done right, this can end up being a good thing for everybody here in the province.

**The Deputy Speaker:** I just wanted to use an example, if I could, from the member from Niagara Centre about, I think it was socialism rubbing off, but it's also directed at those from the centre. I'm addressing my remarks particularly, I think, to the member for Mississauga Centre and the member for Kitchener Centre. I want you to try to use that example of influence from the member for Brampton Centre.

**Mr John Gerretsen (Kingston and the Islands):** I am somewhat surprised that with all the government members who are in the House right now, there's no other government member who would lend support to this good private member's bill. I applaud Mr Sampson, as he's known in private members' business, for bringing this kind of legislation forward. It's very progressive legislation. I think the fact that he hails from my hometown of Kingston, which we all know to be a very progressive community in this province, may have something to do with it. It may have something to do with his upbringing in the Kingston area, where I know his family has always played a very prominent role and where he is well regarded. That may have something to do with it, whereby he has finally left those ultra-right-wing views he had when he was minister of privatization.

We all remember those days. I think the only things he ever privatized as minister of privatization were a number of tree farms, if I remember correctly. I don't remember the exact terminology. That was the only thing that was actually privatized. When it came right down to it, he stayed away from the LCBO. He stayed away from TVO, which is a good thing now. What would the Premier's life partner be doing if TVO were privatized? She probably wouldn't be the chair of that illustrious organization. He has come to his senses and has brought forward a very progressive bill. I pay tribute to him for that, because it's quite obvious that that is a result of the very progressive upbringing he had in the very progressive community of Kingston.

Remember, Kingston is the oldest settled community of Ontario. It was the capital of Canada for three years, back in the 1840s. During that period of time, many of the beautiful limestone buildings that we enjoy in our city, both public and private, were built with the great expectation that we indeed would become the permanent capital of Canada. Events intervened, mainly the threat of an American invasion from the south. As a result, Fort Henry was built to protect us from the Americans. But in fact what happened was that the capital was moved first to Montreal and later to Ottawa. Now we have Fort Henry, to which both the federal and province government after much urging have now committed some



funding to have the fort restored. The irony is that Fort Henry now welcomes—probably about 80% to 90% of the visitors that come and visit there annually are Americans, and the fort was specifically built to protect us from the Americans. We welcome them all. I'm diverting. I should be speaking about the bill and I will get back to the bill.

I find it very interesting that this is a private member's bill, the third private member's bill that has been called before the House this week, and I think they should be called. I'm a great believer in that private members have a lot of good ideas. When their ideas are endorsed in this House by way of second reading debate, and then it goes off to committee and comes back here, it should almost be a *fait accompli*: once a bill has been given second reading and has gone through committee and the committee has endorsed those recommendations by way of amendments, the bill should come back here as a matter of course. The irony is that of the three private members' bills that have been called back into this House for some sort of determination, every one is a government member's bill.

We had the double-hatter bill that was voted on today, a bill that probably led on Monday evening to the most interesting debate we've had in this House in a long, long time. There were members from literally all sides of the House who had different opinions about it. It replenished my belief in democracy, that you could have a very controversial bill about which there was division within the various parties in this House, except for the New Democrats, who were against the bill. Other than that, there were members on both sides of the House who had various opinions about it, and that's good for democracy. That's the kind of debate you get on a private member's bill. Finally, we had a vote on it.

Good for Mr Arnott for bringing it forward. His bill wasn't approved, but more power to him.

*Interjection.*

**Mr Gerretsen:** I voted against the bill because I did not think it was the way to go. But as I stated to him earlier, I think he should continue to put pressure on the government to put a task force together so that the issues can be talked about some more and maybe some refinement can come out of that. I'm all in favour of that.

1650

That was a government member's bill. The second government member's bill was what we refer to as the puppy mill bill. It was debated here at some length yesterday—also a government member's bill. And here we have the third government member's bill that has been called forward. There are many other bills that deserve to be here as well.

I give full credit to Marilyn Churley of the New Democrats for bringing back her adoption bill. I know there are many people in this House who feel differently about it, but I think that bill should be called for debate and we should vote on it, in exactly the same way we did on the Arnott bill. And while we're on the topic, I think my Bill 5, the Audit Amendment Act, should be called back as well.

We're dealing here with a government that likes to build its reputation on the notion of accountability. It was talked about by Premier Eves back in 1996 when he was finance minister. He said, "We're going to make amendments to the Audit Act so that there can be a level of accountability for the money that's being spent here, whether it goes to universities, hospitals, colleges, school boards or municipalities. We want to give the auditor the power to follow that money to those grant recipients." It was a notion that was brought forward by a government member back in 1996, after Mr Eves's own government was unwilling to move on a recommendation he had made in his throne speech.

Then we come to 1999, after the election. What's the first meaningful thing that was mentioned in the throne speech after that? It was that the government was going to pass a Public Sector Accountability Act. It's not quite the same as amendments to the Audit Act, because under the Public Sector Accountability Act the different ministries were going to hold the grant recipient of the funding that was going to go to these various sectors. I mentioned before more accountable to the ministries. I think it should be more accountable to the auditor, because he, after all, is an officer of this assembly and serves all sides of the House, or the individual members, from an independent viewpoint in that regard. So that's what I think should have happened. What happened to the Public Sector Accountability Act after it was announced in the throne speech and after it was introduced here? It died by the wayside.

Now we get to my bill, which was introduced the exact same day the new session of Parliament started, in April 2001. I said, "Look, you want public sector accountability. Pass my amendments to the Audit Act." The reason I felt they should be passed is because two thirds of all the money we spend here in this House, all of the taxpayers' money, money that we collectively collect from the taxpayers, is given out to the grant recipients. So we had a debate on it here one day during private members' business. It was unanimously approved on second reading and it went to committee. There were various amendments made at committee, just this past November, again unanimously approved by everyone. So now it's ready for third reading debate. Is it here? Will it be called for debate? Will it be passed by this House? I don't think so.

I know the government House leader and other members get a little upset when I say it seems to me that the only bills that get called here are government members' bills and not opposition members' bills. That, I think, is completely and totally regrettable. I realize full well that the government has to live with the consequences of whatever bill is passed here. There's no question about it. They, after all, have to implement whatever it calls for in that bill. So if there is a problem with my bill, let's hear about it. It certainly didn't come up during second reading debate. It certainly didn't come up in committee. Why is the government blocking greater accountability to the taxpayer of Ontario by not passing Bill 5, or not

putting it on the order paper, or not calling it? I'd like to know that. I think, personally, that the government wants to have it both ways: they want to talk about accountability but they really don't want to do anything about it.

In any event, I'm not going to talk about that any further. I will just simply hope that the government will call the bill between now and, I guess, Thursday, although I understand now we may be sitting on Friday as well. We welcome the opportunity to sit on Friday. We may be sitting next week as well. I think the longer an assembly sits, the better it is for everybody. The more opportunities we have for question period, when we can ask the questions—we don't always get the answers, but at least we can ask the questions. As they say, it's question period; it's not necessarily answer period.

I remember a couple of years ago, I think we sat until December 23, and I welcome that. The pages may not like it. Some of the other people here may not like it. As a matter of fact, the Minister of Energy certainly doesn't like it, with what's been happening in his portfolio. We could be speaking for the next week and a half just about what's happening to energy and to the poor people of Ontario. They didn't know whether they were coming or going as far as their electric bills were concerned.

We welcome the opportunity to sit, and if they want to call us back in the first week of January, we'll be here. We'll have the questions. Of course, the difficulty is always that we may have the questions, but we hardly ever get any answers. That's why it's called question period and not answer period.

*Interjection.*

**Mr Gerretsen:** Mr Spina, the member from Brampton Centre, totally agrees, and he thinks it's funny, but the people of Ontario out there want answers to the questions that are being raised here. They want to know why you have short-changed our education funding by the \$1.8 billion that Dr Rozanski talked about today in his report.

**Mr Joseph Spina (Brampton Centre):** On a point of order, Mr Speaker: I thought we were discussing the auto body bill, not the education report.

**The Deputy Speaker:** That is a point of order, and you're absolutely right.

**Mr Gerretsen:** I will talk about this bill, because this is, as I said before, a very important piece of legislation. But it's kind of interesting that they don't want to talk about education and the underfunding. They don't want to talk about the underfunding and the long line-ups that we have in our hospitals. They don't want to talk about doctor shortages. All you want to do is talk about your government members' private bills. They think this is all right. The good ideas that come from this side of the House and that have been embodied in legislation by way of second reading and have gone to committee—whether it's the adoption bill of Ms Churley, which should be called here, or whether it's my Bill 5 that should be called because it's gone through committee—you don't care about. Let's have all the bills. Let's have a free and open debate. It's good for democracy to talk about these things.

This is a progressive piece of legislation. There's absolutely no question about it. Small business needs help, and I'm very pleased to see that Mr Sampson has come up with this bill. I still think it has a lot to do with his upbringing in such a fantastic community, the community of Kingston, where I come from. It's a progressive community. Finally, these ultra-right-wing views he held as Minister of Privatization he has now overcome. He is now a private backbench member of the again. He is no longer cloaked with this notion, "We've got to advance the right-wing agenda," and he's actually come up with some good ideas. This bill embodies one of those ideas.

I'll just read to you and to the people out there what the purpose of this bill is: "To further highway safety by promoting the proper and efficient repair of automobiles that have sustained structural or body damage." Who can possibly be against that? Nobody. It goes on to say, "To protect consumers from dishonest, deceptive and fraudulent practices in the repair of such motor vehicles." Excellent terminology: nobody wants to be deceived by fraudulent or deceptive practices. "To provide a fair marketplace for the collision repair industry and those who have an interest in it.... To implement a regulatory framework"—whenever I see the terminology "regulatory framework" I get a little bit worried, and the reason is that, as you know, we only pass in this House the broad, general framework of any piece of legislation. How it is actually implemented on the ground is by way of regulation.

1700

It seems to me that in the seven years I've been here, we see more and more incidents where the laws we pass are in such general terminology that it leaves great regulatory powers to the cabinet and to the minister in charge to actually implement the piece of legislation. You know the old expression "the devil is in the details." This is a perfect example of that. How this will be implemented remains to be seen, because the irony of this whole thing is that even though I totally support a bill like this, it is going to cause—this may come as a surprise to the members on the other side—more red tape. The more regulations you put in, or the more licensing requirements you have for any kind of shop you set up under this kind of legislation, it is going to require more regulation and more red tape. It may be good red tape, and I think it is, and I hope the regulations that will be passed will be beneficial to all concerned, but it is more red tape. So this notion that all red tape or all rules and regulations under whatever act we're talking about are bad for the system is rubbish as far as I'm concerned.

There may be some very good laws out there where you need some good, strong, tough regulations to implement that law. Let's hope that happens in this particular case. But when I see terminology such as, "The Lieutenant Governor in council"—which is the cabinet basically—"may make regulations setting out rules for the purpose of this act," that's pretty broad; that's about as broad as it gets. I know somebody on the other side will



say, "That's the standard terminology," but I think that if we were to limit it a little bit more—of course the best thing that could possibly happen would be if all the regulations were, in effect, published before they were actually put into regulatory form, so that the industry and the people affected by it, the consumers, could have some input into the system. That to my way of thinking is the ultimate, the best possible way.

In other words, what would be wrong with the government saying, "We intend to implement these regulations. However, if you have any comment on them"—they could post it on their Web site. They could send it out to the repair shops they know about that are already out there and, let's say, give them 30 to 60 days to respond as to what the practical implications of a particular regulation may be. Then they could take a look at it again in the ministry and say, "Yes, we should make some changes to this before we actually implement these regulations." If they did it that way, then at least the industry would have an opportunity to respond to it, which we don't have right now. We don't have any guarantees at all that the industry will be able to respond to it. I can see from the attention the members are giving to what I have to say here that they're really wrapped up in this issue as well.

Mr Speaker, in the last 50 seconds that I have, let me just implore you: you are a very honourable Speaker. You have been very fair-minded in your rulings over the years. I would hope that you will have some influence on the government House leader over the next day and a half. Let's bring more private members' bills forward, the ones that are ready for debate at third reading. But let's not just pick the government members' private member's bills; let's bring all the private members' bills forward. Let's debate them all, like we did today with the double-hatter bill, and let's vote on them.

That is true democracy, and if there's anything this place needs a little bit more of than what we've all witnessed here over the last five to seven years, it's democracy.

**The Deputy Speaker:** I'm going in rotation. I'm looking at my right; that's your left and that's because we're facing the opposite direction. If I don't have a speaker here, just bring the noise level down a little bit; it will help me out a lot. I'm looking to my left; that's your right. If I have a speaker here, I will recognize the member for Essex.

*Interjection.*

**The Deputy Speaker:** You stand corrected. I was right. That is, the only time we don't go in exact rotation is when the time is divided. I'm looking to my left for a speaker. The Chair recognizes the member for Essex.

**Mr Bruce Crozier (Essex):** I too am pleased to stand today to speak to Bill 186. I'm also pleased to have had a small part in bringing this bill to third reading. I was on the committee that reviewed the bill. I was pleased—and I will cover it in my comments—that there were even a couple of amendments to the bill that I proposed that were accepted by the government. That is a rarity, just like it is that we're standing here today debating this

private member's bill, because rarely in the nine years that I've been here have we seen very many opposition amendments adopted on a bill.

This bill is essentially a consumer protection bill. It's one that I think is going to go some way in regulating an industry that, for the most part, has given the people of the province of Ontario good service over the years. Like many professions, industries and businesses, there are always those who try to take advantage of someone. I'm pleased to say that in this particular instance, that certainly was the minority. This bill will give those who are in the business and who are qualified and who are good, solid business people the opportunity to further their businesses in a good, competitive manner.

We talk in this bill, if it's passed, about certified collision repair shops. It means "a collision repair shop that has been certified by the minister in accordance with the regulations." As my colleague from Kingston and the Islands just alluded to, if there were a fault with the bill, it's the fact that much of what this bill is going to end up doing is going to be contained in the regulations. I would hope that the government consults, to the extent that they have on the bill itself, with the industry, with collision repair shops, with those with experience, so that the regulations, when they are written, will certainly have the objective of enhancing this bill.

Collision repair: I think we have to recognize that there are different types of repair shops. There are those that make minor repairs that may not amount to any more than taking out the dents and scratches and repainting a vehicle. There are repairs like, as was mentioned earlier, replacing damaged windshields. But in this case, we're speaking about repair shops that will carry out collision repairs that are identified in the bill as repairs that are needed as the result of:

"(a) collision with another vehicle,

"(b) collision with the roadway or any object on the roadway,

"(c) an act of theft or attempted theft,

"(d) fire, or

"(e) vandalism."

That, then, covers those repairs that are required to automobiles and vehicles that go to the structure and safety of the vehicle.

**1710**

That's one of the reasons I'm able to support to this bill, because it will in fact result in vehicles that are repaired as a result of collisions being safer on our highways. In fact, it's mentioned in the bill that it is "to further highway safety" and "to protect consumers from dishonest, deceptive and fraudulent practices in the repair of such motor vehicles."

As I say, it's unfortunate that too often we have to bring in legislation and regulations and we have to have rules and red tape because we have to guard against that minority who might be dishonest, deceptive or fraudulent in their practices. This, then, sets up that regulatory framework that will allow the bill to do this.

I want to speak a bit too about the board that's going to be set up, in that this is going to be a self-regulatory

part of the industry. The board that's being set up is to help the minister not only set the regulations and carry out the intent of the bill, but it will be able to advise the minister in those instances where it's required. There's going to be an advisory board of 10 members; four of them shall be persons who work in the repair industry. I think that's an obvious part of the board that we should appreciate. Obviously, when it comes to a self-regulatory industry, you have to have people who have the experience. The minister has to be advised by those who best know what is going to be done in the industry.

Four persons will represent the consumers of Ontario who do not work in the collision repair industry. That too I think is a good part of the board, because it brings to this board and brings to the minister when the board advises him the real feelings of consumers, who want the kind of protection we're trying to provide.

Two of the board members shall be employees of the government of Ontario. I can only assume, but one would expect, that these would be employees who would perhaps be from the Ministry of Consumer and Business Services, so that, again, the protection of consumers will be one of the paramount protections that we will have with this bill.

The advisory board, in its responsibilities, is going to "make an annual report to the minister concerning its activities, including an annual budget indicating the advisory board is self-financing, and make the report available to the public." I hope in that report will be contained some sort of indication of the satisfaction level the consumers of Ontario received. In other words, if this board and this legislation are functioning the way they should and if the regulations that are put to this legislation are appropriate, then I would think that there would be little complaint about the work that's being done by the certified collision repair shops. That is one of the objectives of this bill, so that we can assure the public that they're getting good value for the money that they spend, whether they spend it directly when they pay bills themselves or whether that money is spent through insurance companies.

Part of the board's responsibility, though—and as good as it might be and as good as the shops might be, we almost invariably will run into some complaints—is that this board can or will have the authority to review complaints against any certified collision repair shop. In reviewing those complaints, I would expect that the board will take into consideration how well these shops are serving the public, and, for example, if there are too many complaints against any one particular shop, that then will go toward determining whether that collision repair shop can in fact carry on business and keep its licence.

This board too will act as a clearing house for complaints and settling disputes as sometimes arise. As good as the shop might be and as much as it may attempt to satisfy the customer, we know that on occasion there are of course going to be, probably, some disputes between the customer and the collision repair shop. Therefore, the owner of the vehicle will have some place to go to

express those concerns and hopefully have that dispute mitigated and handled by an independent, arm's-length adjudicator. Where it is of the opinion, after giving the proprietor of a certified collision repair shop a chance to be heard, that the repair shop should be decertified according to the standards set by the regulations, the board will advise the minister accordingly. I think that's extremely important. If we go to all of this effort, and certainly some expense, there should be penalties in place, and one of the most severe, of course, would be the fact that the shop may become decertified and subsequently suffer a significant loss of business.

When I mention expense, this bill, in carrying out its protection, in carrying out its mandate, won't be without some cost. That's something that we have to continue to follow.

As has been mentioned here earlier today in the debate, most of the work that's carried out by these collision repair shops will be carried out as the result of an insured accident, and we all know that insurance rates are a hot topic of discussion these days. As a matter of fact, just as an aside, this past August I got my own automobile insurance renewal. Just so the folks at home can understand that we are sensitive to these kinds of issues, I was anxious and interested to see what my insurance renewal would be this year, and I was horrified when my insurance went up 46%. That was without any change in risk; in other words, there were no accidents or tickets or any claims that I'd had on my policy. That was the same vehicle; I'm driving a three-year-old vehicle that's just getting older all the time. Yet my insurance went up 46%. So my first reaction was, "Obviously this insurance company doesn't want my business." So I go to my broker and I say, "Look, there has to be somebody out there in the insurance companies that you have access to within your company who does want my business and who won't charge such an exorbitant"—

**Mr Gerretsen:** What did he say? Did he say no?

**Mr Crozier:** What happened was—my friend from Kingston and the Islands asks—he didn't say no. He went to his market and, lo and behold, could only save me \$100 a year on my new premium. I'm not about to change insurance companies for \$100 a year, because I have had good experience with this company. Some might suggest that the premiums I was paying were too low and that this company was just catching up. We've heard a bit about that in the insurance industry, and there is a lot of upward pressure on insurance rates for several reasons. It was mentioned earlier that one of them is the reinsurance market. It may be difficult to understand, but very briefly, the reinsurance market is where insurance companies go to insure the risk they have. They lay off some of that risk in the reinsurance market. Another cause for this, we are told, is the significant upward pressure on the cost of accident benefits and the fact that there is a significant amount of fraud in the area of accident benefits.

1720

My point here is that, as good as this bill is, I would caution the people of Ontario that it will come at some



cost, but we hope it's a cost benefit, because we hope you get better service for your dollar.

During the hearings there was some concern from the insurance companies that have preferred shops that they would not be able to continue on in this. I was anxious to hear from those companies because we want to work with them to provide the very best insurance we can in Ontario. We understand that they too want to keep their costs down. I would hope, and I hope this is not a vain hope, that when those costs are reduced, they pass them on to the consumer. But under this bill, the insurance companies can still list preferred shops. They will have to be a certified collision repair shop. They can still have a preferred shop, but the consumer really has the last say, and provided the consumer is going to a certified collision repair shop, the consumer can go to the shop of their choice.

As part of that right of the consumer, there is in this bill a Motorist's Bill of Rights. When the motorist takes the vehicle to a certified collision repair shop, there are some things they have a right to know and that will have to be right in the estimate documentation they get.

"At the time of providing an estimate to a customer, every operator of a certified collision repair shop shall provide every customer with a copy" of this bill of rights, and it "shall contain at least the following elements:

"1. A statement advising the consumer of his or her right to select a certified collision repair shop for auto body damage."

"2. A statement advising the consumer that an insurer may suggest that the work be done at a particular collision repair shop but may not require this work to be done at a particular collision repair shop."

The statement of consumers' rights will also have to advise the customer "of his or her right to be informed about whether the auto body repairs will be made with new original equipment parts, new aftermarket parts, or other types of parts." That, to me, is extremely important, because for what we pay these days, the cost of these things, as a consumer I should at least be able to have some confidence and some choice in whether those are new parts or whether they in fact are used parts that come out of another vehicle that has been torn down.

I would suggest that in those cases where these are insured repairs, most consumers, if not all, will probably want to insist that they are new parts, notwithstanding the fact that there may be just as good quality aftermarket parts and/or parts out of other vehicles. But the consumer at least will know what they are getting. As I mentioned, not all collision repairs are paid for by insurance companies, so if the consumer is advised that they are aftermarket parts or parts out of another vehicle, the consumer may be able to reduce their cost in that respect.

In the last couple of minutes I have, the part of the bill that I want to emphasize, and the amendment that I appreciate was accepted, was that in the original bill it would have permitted that uncertified collision repair shops would have been able to carry on business. Once we got the definition in here of what a collision repair

shop really is and once we amended it so that once decertified, that business couldn't carry on as a collision repair shop, I felt a lot more comfortable about this bill. If we're really going to give the consumer protection and if we're really going to give those good businesses the opportunity to work on a level playing field, I felt that it was necessary that if you weren't certified, if you didn't have the proper technicians doing the work, if you weren't a business that carried on in a fashion that you could be certified, you shouldn't be a business that can operate in collision repair at all, and that's what we have in this bill.

In concluding, I want to add to the comments of others that this is one of those too rare occasions where we've been able to work on a piece of legislation in a significantly unpartisan way. It's my hope, and we always live on hope, that we can see more legislation come forward like this. A big step in that direction would be, as my colleague from Kingston and the Islands suggested, that not all of the private members' bills that we're debating to this extent are government members' bills, but that the opposition does have that opportunity too.

**Mr David Christopherson (Hamilton West):** I appreciate the opportunity to make a few comments on Bill 186. At the risk of some of my colleagues falling out of their chairs and hurting themselves, I will advise you that I likely won't use all my time.

**Hon Brad Clark (Minister of Labour):** It's Christmas.

**Mr Christopherson:** An early Christmas present for my friend from Stoney Creek.

Let me just say in short order, in terms of the substance of the bill and what it attempts to do and what it actually accomplishes, that it's a good bill. I don't think there's a single one of us in this place who either hasn't personally experienced or known someone who's got a horror story in dealing with a repair shop. The fact that the leading proponents of this, outside of this place, are actual repair shop owners and representatives of associations that represent those shops says a lot about the industry itself and the fact that the overwhelming majority of them are honest, upright, legitimate businesses that provide a good service at a fair price. It's their desire to see a level playing field so that there aren't the fly-by-night shops and those who ignore the consumers and quickly go for the fast buck. And it's so easy to do, especially as cars become more and more complicated. It was always easy for anyone who wasn't too involved in auto repair to be sort of conned or spun in terms of the message of what's wrong with your vehicle but, boy, that's a lot easier to do now as the complexity increases.

So I think it says a lot that we've probably got a very few that are doing the damage and that the majority are prepared to come to us and ask us to provide a legal framework. Let's keep in mind that business as a rule, from Hamilton anyway, doesn't jump in the car and head down the QEW, come to Queen's Park and say, "Please, please, please, give us more regulation. We just don't have enough regulation. We want more, more, more." So

the fact that they've taken that step says (a) that something needs to be done and (b) that they are prepared to put their reputation on the line and to use whatever political influence they can to bring about a bill that, yes, helps them, but helps them by virtue of the fact that the consumer is given more protection.

It seems to me that in the best design of our economic system, that's the way things ought to be, and this bill achieves that. There's always more that can be done, and time will tell when that will happen, but in terms of taking an important, significant step forward now and providing the initial legal framework—notwithstanding the fact that we don't know what the regs will look like yet—the legal framework that's provided here is of benefit to consumers. It's of benefit to those legitimate operations that want to lay down roots in our respective communities and provide jobs and provide investment into our community. That's what we're doing with this, in my opinion.

As chance would have it, I was the representative on the committee for the NDP caucus, and I want to spend just a few minutes talking about the process, more to make sure that it's in the history books and there for anyone who wants to take a look at when opposition members said, "This place can work." This was one of those few times. I want to say right at the outset of commenting on the process that Mr Sampson came forward to me. I have to say, given his previous portfolios, you wonder exactly what's at play here. I suspect that, given the fact we're both former corrections ministers, I was prepared to give him the benefit of the doubt. I heard him out. He told me what he wanted to achieve.

1730

I've been around this place going on 13 years now, and I can remember days when you didn't have an agreement if it wasn't written down, every word. Even then, hours would be spent negotiating the words, commas and periods, and then all House leaders would have to sign off on it—

**Hon Mr Clark:** In blood.

**Mr Christopherson:** "In blood," says the Minister of Labour. Even then there were times the deal would have to be taken to the Speaker and asked if he or she would make an interpretation.

In this case, I was approached by Mr Sampson and asked to take his word about what he was attempting to do and the procedure he was prepared to follow. There was a bit of a leap of faith on my part, and I suspect on the part of my colleagues in the Liberal opposition caucus also, because there were no guarantees.

What we did was speed up the process, truncate it, and I literally went on the word of Mr Sampson that, if we got to a certain point in the process, having already given my acquiescence—and we identified that juncture—and there wasn't unanimous consent and continuing unanimity between the three parties, then I had the word of Mr Sampson that he was prepared to bring everything to a halt, we would take a step back, look at what the issue

was and, if a compromise and an agreement could be reached, then we would move forward. If not, the whole process that we had started literally would stop, we would be back to square one and we'd look at the usual procedures.

I had some real trepidation because obviously for any one of us who does that, especially in the opposition, if things blow up and the government ends up taking advantage, if you will, and running with something, ramming it through, it's something your caucus is opposed to and you were the genius who helped to get the caucus into that predicament, you're in a lot of trouble, not to mention the fact that you would have facilitated a law that you strongly believed shouldn't be on the books.

I thought that Mr Sampson was a man of his word. I want to say that indeed he was. We did reach the point where there wasn't unanimity at that junction, and at that moment, had he wanted to, there was no rule I could call on to stop the government from continuing to ram it through. Mr Sampson, being an honourable member, said, "OK, I agreed with you that if we didn't have unanimity at this junction, we would take a step back," and we did that. Mr Kwinter, Mr Sampson and myself then spent the time necessary to work through those issues.

We reached agreement, put those agreements into play vis-à-vis the amendments that would come to the committee, put the whole thing back on track and moved forward. So I want to say to Mr Sampson that you are indeed a man of your word. I enjoyed the process. I can tell you, should any of you have the misfortune of having spent time in cabinet and then, in the blink of an eye, find yourselves in opposition, after a few years of that it's sometimes difficult to get excited about the process. When you're in the third party, you don't have any power and you have limited influence.

As an individual parliamentarian, I enjoyed the fact that there were the three caucuses with three individual point persons acting on behalf of their caucuses working together to try to find and create language that would let all of us achieve the worthy goals Mr Sampson had set forward, and we did that.

It wasn't without a little bit of consternation along the way. There were a couple of times when we locked horns on some issues, which is the nature of the beast in terms of drafting legislation, but in the end we were able to find common cause and the language that let us move to this point so that we now have legislation that is likely, as I understand it, Rob, to receive unanimous support of the House, certainly majority support from the two opposition caucuses and, I suspect, your own or you wouldn't even be at this point. I think that says a lot about what can happen in this place, that when we want to we really can act in a democratic fashion where your word means something, when you look somebody in the eye and say, "You've got my word on this," and that when even things don't go that person's way, they honour their word. It makes you want as an individual to say, "OK, let's roll



up our sleeves and really get at this and see if we can find a way," because it's like oxygen. You don't often find that kind of willingness to work together.

I want to say that Mr Kwinter—I won't speak for him but I will say in terms of having worked with him—seemed to enjoy the process just as much. It really was a matter of give and take between all of us, recognizing what the goal was, the goal always being to protect the consumers and make sure that we've got the best auto repair industry that we can have in Hamilton. I know I was influenced by good advice. We had good advisers. People came in and they were good presentations all the way through. My friend and fellow Hamiltonian John Norris is here today. He has been very concerned about this and involved in making sure that we do the right thing so they can do the right thing. So, all in all, it's a good bill. I'm pleased to have participated. I enjoyed the process. I think we are making the province just that much better today as a result of hopefully passing this bill.

I want to close my remarks by again emphasizing the integrity and honour that Mr Sampson and Mr Kwinter brought to this. It was a joy, truly, to work on this project for the betterment of the people of Ontario. To be able to say that in a truly non-partisan way is about as close to the spirit of the season as I'm likely to feel between now and when we adjourn.

Upon seeing my friend the Minister of Labour clutching his heart in a feigned heart attack over some of my comments, I will now take my place.

**Mr Tony Martin (Sault Ste Marie):** I will be taking my 20 minutes here this afternoon because I have a lot of things I want to say with regard to this bill. In the context of this bill there's a whole lot that we need to consider as we look at this piece of public business before us here today. Anybody taking their job seriously, coming to this place, understands that that's the task in front of us.

I want to say at the outset that I don't think there's any guarantee yet that this bill in fact will see the end of the process in the way that the member who has brought it forward is anticipating, because it's a private member's bill and private members' bills by their very nature call on all of us to consider very carefully what's put in front of us. We're asked, in as much as we can, a non-partisan way to consider the issues and the material that's in front of us. Then each one decides whether it is we are in support of or whether we see that there is required further work on a piece of public business that's on the table.

We saw here this afternoon and over the last couple of days just such a very democratic exercise. The member from Waterloo-Wellington brought a bill before us that he felt very passionate about and committed to, put it on the table. It was debated at second reading in the Legislature here on a Thursday morning, and voted on at that point and moved forward in the process. There was committee time allocated. There was lots of consultation, certainly lots of lobbying from various groups on that bill back and forth in this place. As it unfolded, we began to see that in this instance there were those on all sides who

felt differently about this bill. This afternoon we had the vote here, and we saw members of the Conservative caucus vote both for and against that bill. We saw members of the Liberal caucus vote both for and against that bill. In this instance, the New Democratic Party caucus were in harmony and solidarity in terms of our position. At the end of the day the bill lost. I think what it should do is indicate to the member for Waterloo-Wellington that he needs to go back to the drawing board, speak further with the people affected and involved to see if there isn't some other way of resolving this very controversial and difficult relationship that exists out there.

**1740**

I'm actually happy to see this piece of legislation before us here today. Some of you who were here on the Thursday morning when it was first presented and debated will remember that I spoke to it. Our caucus at that time supported it going forward. My view hasn't changed since then; however, I do still want to put on the table, into the record, on Hansard, speak to the people in the chamber here this afternoon and to the folks across the province and explain to them how important it is that we in fact move to regulate some parts of the public business of this province.

We have a government that doesn't believe in regulation. We have a government that believes that if you simply turn things over to the marketplace, at the end of the day everything will find its proper depth or level, fairness and justice will work out and everybody will be protected and served appropriately. Well, we understand and know now, having spent a number of years under the rule of thumb of this government, pushed ever so aggressively with each week that goes by in a way that reflected a lesser and lesser role for government, lesser and lesser regulation in the province, more opportunity for the private sector—"big business and industry"—to dictate and take over more and more pieces of the life and activity that we all participate in, count on to provide us with a livelihood, to take care of us in our time of need and to give us comfort that our children will be looked after and that we will have something to rely on in our retirement and old age.

We've found, as we've watched the tumbling of big corporations like Enron and Bre-X and a number of other examples of private sector industry, corporations, their attitude in this country, in the United States and around the world—and we should understand now that there are some things and some parts of all of the sectors of society and life in our communities and in our province that need to be regulated. This is one of them.

I had the experience of working with small business over the last three or four years in a very direct and clear way when I brought forward regulation to rule or govern how franchising would unfold in this province, how the relationship between franchisees and franchisors should be restructured so there was some fairness and opportunity for everybody involved. In that instance it became more and more obvious to me and to small

business across this province, as we went out for public hearings, that in fact there was a need for comprehensive, strong and enforceable regulation where small business and franchising was concerned in this province. And yet when the government finally agreed—and I gave tremendous credit at that time to Mr Runciman, the Minister of Consumer and Business Services, that he sat down and worked with me. But alas, the strong hand of cabinet and the Premier's office, influenced by their friends and colleagues in the larger corporate sector of our business community to say, "No, ease up here. Don't go too far. Yes, introduce some regulations but be careful that you don't interfere with the free market," with the ability of some of these large franchise systems to come into Ontario and, as they've often said, take advantage of it as if it was the Wild West and hurt, very seriously, many well-meaning, hard-working small business people who invested their life savings in some of those businesses only to find out that they were either stuck for life because of the investment they made that wasn't going to produce for them or generate for them the kind of return they had hoped for and thought they would get and would provide for them some comfort in their old age.

I would suggest that what we're doing here today by way of regulating this particular industry is not dissimilar from some of the concerns that were raised and then, ultimately, the work we were able to do in that respect. We were able to bring forward a very modest package of regulations where franchising is concerned. However, as it has played out now, the fact is that we didn't go the distance, we didn't have the political courage in this place to go the distance and truly regulate this industry and give some ability to some of those small business people who found themselves in disagreement with their parent franchisor to go to some arbitrator or board of mediation provided by government. They find themselves still having to go to court, having to endure the cost that that represents, and ultimately, at the end of the day, really, not being much better off than when we started.

As a matter of fact, and this is the warning that I give to those who are very excited and waiting in anticipation for this bill, is that you want to make sure you have everything you want here, that all the t's are crossed and all the i's are dotted, because in the franchising legislation it turns out that in some instances it might have been better had we not done it at all, given the little bit that we won at that time, because it presents a sense of comfort to small businesses out there, or to people who are looking at investing in small business out there, that somehow they are protected, that somehow there is regulation in place that's going to look after them, and if they get themselves in trouble or they find themselves in disagreement with the parent franchising corporation, that there is some facility for justice to be had and for fairness to have its day or have its way.

This, for all intents and purposes, is a good bill and should serve the industry well. As the member for Niagara Centre suggested earlier, it indicates to us one of

those very few moments in the last seven years where in fact the government across the way understands the importance of small business and the small business investor in this province and is willing to do something other than simply focus on getting rid of red tape and regulation, is willing to do something to in fact put a regulatory regime in place that will protect and support the interests of small business people across this province.

I just wanted to, though, raise a flag of caution. I had suggested back in June when we discussed this bill on that Thursday morning that the folks in the gallery needed to ride gunshot on this, that in fact it wouldn't get back before us. Well, to give the member who brought it forward, Mr Sampson, the member from Mississauga Centre, some credit, he obviously stayed on top of it and so here we are, discussing it and debating it for third reading. However, I say to those who are watching this and who are anticipating its passing sometime in the not-too-distant future that they need to be concerned that the advisory group that is being formed in this instance continues to be a well-balanced operation, that the membership that is set out in the bill and that is hoped for in fact is the membership that finally ends up being who is at the table. In our experience, it's not too long into processes like this before a door or a window opens and we find that the big corporate interests again—in this instance it's often the big insurance companies—find their way to the table. If they don't find their way to the table, they find people to be at the table who will represent their interests. You end up no better off than you were in the first place, and in some instances worse off, because now you have this body that's supposed to protect you and act in your interests and isn't. How do you get rid of that? How do you deal with that?

1750

I have a concern that this advisory group is to make recommendations to the minister, and then the minister will decide, I would think, if you follow the logic in this, how this industry is to be regulated. The minister has ultimate power and final say in what the regulations will be. You have to understand that when regulations are made around here, unlike the passing of legislation, it's done primarily behind closed doors by bureaucrats in consultation with their bosses, with the minister and his staff. How do you have influence? How do you make sure the advice you've given as an advisory body to the minister actually works its way through the process and is what comes out the other end at the end of the day to support you in your effort to find some fairness and justice here? It's a real concern. I'm not sure if it has been addressed yet by the government side. They will have an opportunity here this afternoon as we debate this, or later as it comes back before us again, to somehow ease my concern if they want to put some thoughts on the table.

It says here that the bill allows the advisory group to set the standards for the minister's approval. So if the minister doesn't approve, the standards you advise



should be in place may not happen. It also goes on to say that the bill allows for the right to set standards, but does not specify what standards—back again to the power of the minister. It is expected the standards would be adopted, but it's not guaranteed the standards would be adopted, and that's a very real concern.

As you look at how the public business of this province has been ordered or reordered or restructured or reorganized over the last seven years, you have to understand why we, in this caucus anyway, become very nervous when, as is suggested in this bill, the final say is at the desk or the table of the minister. It's easy for anybody to do: you research who influences this government, who funds this government in terms of its ability to go before the electorate and run election campaigns, who it is this government sits down with over and over again to consult, to get advice from, to listen to. It's not the small business sector. It's not the mom-and-pop franchise operators, corner stores or small businesses, certainly in Sault Ste Marie, Sudbury or North Bay. It's not those folks this government sits down and talks with. It's the big corporate entities. It's the banks and the insurance companies that have their offices not far from here on Bay Street.

We know what their interest is. It's maximizing ever more generously their bottom lines, their profit margins, because it's no longer acceptable or accepted practice that a big corporation would simply make a profit at the end of the year. The big corporate entities that drive these small businesses in towns across this province are interested in increasing, improving on, the profit they made before. For example, if they made 10% or 15% last year, they not only want to make the same 10% or 15% this year; they want to make 10% or 15% on top of that.

How do you do that? Well, you do that by squeezing the little guy at the bottom end to produce ever more profit or to reduce his cost ever more aggressively. That, of course, at the end of the day ends up cutting into his profit margin. You end up trying to organize the industry such that you have people out there working for the least amount of money that you can get them to work for, and using businesses or folks who perhaps don't have the best of worker health and safety in mind.

As I said, I think this is a good bill. It goes a distance to allaying some of the concerns that both consumers and small business operators have where this industry is concerned. It has in it things that every caucus in this House could support, but I say that with the proviso, as I've already put on the record here this afternoon, that we need to be ever vigilant, that we need to be ever mindful of the track record of this government where small business and communities and people are concerned. We need to be mindful of the efforts, for example, of the Red Tape Commission as they go around this province trying to find ways to get government out of the life of communities and people and small businesses so that the

private sector, à la big corporate interest, can have its way and improve its bottom line.

I think unions will be happy with this bill. Anything that speaks to improving environmental standards, anything that speaks to improving labour practices and workers' health and safety, they will be supportive of, and they will be supportive of us if at the end of the day we decide we want to support this bill. I suggest that we will.

**Mr Rick Bartolucci (Sudbury):** I'm proud to be able to stand and speak to a private member's bill in a time other than private members' hour. You see, I believe that private members' bills are extremely important. They offer the individuals on all sides of the House the opportunity to affect policy, to put forth good ideas, to ensure that Ontario is a better place because of the ideas that you put forth through private members.

The bill that Mr Sampson has put forth is a bill worth considering. It's a bill that should be fully debated. It's a bill that certainly provides I would think a sense of security for the consumers in Ontario, but it's also going to provide confidence in the system. I think that's very, very important.

Let me speak a little bit about private members' business and how, by and large, we refuse as government or as this place exists to allow for private members' business to be fully debated. To be perfectly honest, Mr Sampson is very lucky to get his bill before the House today. The government ran out of things to call, so they started calling private members' business. The problem is that it's obviously slanted in the government's favour. They're only going to be granting private members' business that has been started by government members, and that's sad, because I think there are a lot of great ideas on all sides of the House worthy of open, frank, honest debate.

**Mr Caplan:** Like Bill 128.

**Mr Bartolucci:** My colleague David Caplan has mentioned Bill 128, the highway memorial bill. It was put forth by me. It's a bill that would name bridges after fallen police officers, police officers who have died in the line of duty. I think it's an excellent bill, but I dare say that if I were to ask for unanimous consent—and I'm not—there would be people on the government side who would say no, not because it's not a good idea, but because it's put forth by a Liberal and you can't have a Liberal getting all-party support on a private member's bill because that would send the wrong message. The reality is that it would send a very, very good message.

I know my time is up; I can't wait to finish my 16 minutes at another time.

**The Deputy Speaker:** It being 6 o'clock, this House stands adjourned until 6:45 tonight.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman  
Speaker / Président: Hon / L'hon Gary Carr  
Clerk / Greffier: Claude L. DesRosiers  
Deputy Clerk / sous-greffière: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Ancaster-Dundas-Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
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Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
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Burlington	Jackson, Cameron (PC)		Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands / Kingston et les îles	
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
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		Mississauga West / -Ouest	



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	McDonald, AL (PC)	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Northumberland	<b>Galt, Hon / L'hon Doug (PC)</b> Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Catharines	Bradley, James J. (L)
		St Paul's	Bryant, Michael (L)
		Stoney Creek	<b>Clark, Hon / L'hon Brad (PC)</b> Minister of Labour / ministre du Travail
			Cleary, John C. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank (PC)</b> Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stormont-Dundas-Charlottenburgh	
Oakville	<b>Carr, Hon / L'hon Gary (PC)</b> Speaker / Président	Sudbury	Bartolucci, Rick (L)
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			McLeod, Lyn (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thunder Bay-Atikokan	Gravelle, Michael (L)
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		Timiskaming-Cochrane	Ramsay, David (L)
		Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
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	Guzzo, Garry J. (PC)	Toronto-Danforth	Churley, Marilyn (ND)
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Parry Sound-Muskoka	Miller, Norm (PC)		<b>Young, Hon / L'hon David (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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Peterborough	Stewart, R. Gary (PC)		
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		Windsor-St Clair	Duncan, Dwight (L)
Prince Edward-Hastings	Parsons, Ernie (L)	York Centre / -Centre	Kwinter, Monte (L)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	York North / -Nord	Munro, Julia (PC)
Samia-Lambton	Di Cocco, Caroline (L)	York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
Sault Ste Marie	Martin, Tony (ND)	York West / -Ouest	Sergio, Mario (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)		
Scarborough East / -Est	Gilchrist, Steve (PC)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

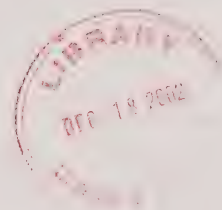
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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 11 December 2002

Mercredi 11 décembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 11 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### VISITORS

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: Just before we start, because we never know what's going to happen here in the evening, I'd like to welcome the cub troop that we have in the gallery today. They're very important people. They are the future leaders; there's absolutely no question. I'd like to commend those adults who are ensuring they are taught properly to be great leaders. Welcome to the Legislature, welcome to the debate you're about to see, and keep up the good work, leaders, cub members and scouts. Keep up the effort. Nice going.

**The Acting Speaker (Mr Michael A. Brown):** As you know, that is not a point of order, but welcome.

The government House leader.

*Interjection.*

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** That was way out of order, but they're from Leaside.

Order M129.

## ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2002

## LOI DE 2002 MODIFIANT LA LOI SUR LA SOCIÉTÉ DE PROTECTION DES ANIMAUX DE L'ONTARIO

Resuming the debate adjourned on December 10, 2002, on the motion for third reading of Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

**Ms Marilyn Churley (Toronto-Danforth):** I'll start where I left off at about six or seven minutes to 12 last night, when I began my remarks. Things have changed somewhat since then. I was talking about the need to bring in legislation to protect puppies, to protect animals, because we all know there's a problem out there. I also said that I didn't think the private member's bill that's

being debated here tonight goes the distance to make that happen. I am not convinced this bill is worthy of support.

I also was talking last night about the need to protect people in this province. I was talking about the protection of puppies and the protection of people. Let me continue on that theme tonight. Here we are, debating a private member's bill tonight. We are debating the third government private member's bill tonight. This is the Ernie Eves Ontario now, the Ernie Eves who took over and said he was going to be a kinder, gentler Premier, that he was going to listen more to the opposition, the Ernie Eves who stood on his feet and said that Bill 77 should not be treated in a partisan way because it involves human beings.

That's the kind of Ontario we're in tonight. I'm standing here talking about cruelty to puppies. I applaud the fact that the bill is being called. I applaud, or I did applaud when the government said they were willing to call important bills from all parties.

I know that Bill 77 is controversial. I understand that. So was Bill 30. We debated it, we voted on it, it's done, it's off the table. We have not seen—

*Interjections.*

**Ms Churley:** Stop showing such disrespect for me. Let me tell you what I'm talking about here. This is what I'm talking about tonight. I'm talking about a report from the chief of genetics at North York General Hospital, Dr Philip Wyatt, who said this: "There are more than—

**Hon Brad Clark (Minister of Labour):** On a point of order, Mr Speaker: My understanding is we're debating M129. She's off topic.

**The Acting Speaker (Mr Michael A. Brown):** I'm sure the member will relate her comments to the bill we're discussing, but I would like to urge members to show a little bit of decorum and a little bit of restraint and understand we're here to do the work of the people.

1850

**Ms Churley:** I would say, don't tease the bears here tonight.

"There are more than 2,500 inheritable diseases. We now can emphasize that every individual must understand his or her medical background so that he or she may decrease his or her chances of suffering from a potentially fatal inherited condition such as breast or prostate cancer."

Did you know, talking about cruelty to animals and cruelty to people, that adult adoptees cannot access their own medical history until after they show symptoms of a



fatal disease? How would you feel if one of your children had that at their feet?

"Current laws make it impossible for adoptees to take informed, preventive action. Without accurate patient information, doctors can misdiagnose illnesses and prolong suffering. Adoptees are dying because of this injustice, or unknowingly passing on conditions to their own children."

These doctors are calling for this Legislature to pass my private member's bill, which may I remind you, as we stand here talking about cruelty to puppies and animals—

*Interjection.*

**Ms Churley:** They're saying to me—everybody out there, a Tory just said to me, "Your bill is dead." That's what they're saying, and they're getting great pleasure out of this, let me tell you.

As we stand here tonight and debate a third government private member's bill—I notice that a few of my Tory friends are not laughing and teasing me. They look pretty serious about this, because they know I'm talking about a very serious issue here. I'm talking about a bill that received all-party support in this House, a bill that went to committee, a bill that's been languishing for over a year, the third bill I've brought forward to this House. I had the Premier say we could bring this bill forward along with other private members' bills from the Liberals and the Tories.

The first thing that happened is that the government House leader came and said, "We want to make a deal with you." Part of that deal would be Bill 30, along with four other bills from them, four from the Liberals and one from us, maybe two, but we only wanted one.

This is so vitally important to tens of thousands of people in Ontario. This bill is not about me. I found my son. I found him. This bill is about others who are suffering the results of having antiquated laws because this Legislature will not do the right thing. A few members over there are willing to get up and discuss cruelty to animals, or firefighters or small business legislation this afternoon, and I'm trying to bring forward a bill for a vote that has had incredible research. This is the third attempt I've made, and it had all-party support.

I'm telling you this bill is not about me. People say to me, "We admire your passion on this subject." This passion is not about me. This passion is about the thousands of people out there I've been working with over the years to try to help. They are desperate for the same compassion and fairness that Mrs Munro is trying to bring forward in a vote tonight in this House for animals.

Let me be very clear. I applaud the member for bringing forward something that deals with cruelty to animals. I have no problem with that. We should be debating it and we should be trying to resolve that issue. But for heaven's sake, the so-called deal that never was, that fell apart: we had nothing to do with it, but Bill 30's done. It's off the table. So the House leader comes to us today and says, "Let's talk some more." I want to say to the

House leader that I appreciate that. I appreciate the fact you did that today. I know yesterday was a very difficult day for me. I had a talk with you and I had a talk with the Premier and with others. I appreciate the fact that the House leader came forward today and said, "Well, we've got a lot of government bills"—I believe they have up to 50—"the Liberals have some and you guys only want one, but let's talk some more." We said, "OK, let's talk some more. Let's see if we can find a way to deal with this and get Bill 77 called." We were being extremely co-operative because this bill is about real people, thousands of people who need this bill passed. In some cases, it's a matter of life and death. It really is.

I talked last night about a woman and her children who inherited a kidney disease that she didn't know ran in her biological family. By the time she found out—because she couldn't access her medical records—she had her three children. They all have that disease now too and they're all going to require kidney implants. Another woman is infertile, sterile, because she wasn't diagnosed early enough to have the preventative action taken to prevent that. These are just two examples. There are thousands of people in the same situation.

When you hear that there are 2,500 inheritable diseases—I can tell you from my own experience; when I had my child, I was a teenager. That's the case with the women I'm here trying to protect today and help, and the adult adoptees. We didn't know very much about our family history as teenagers. Many of us went away and had our babies in shame and secrecy; didn't even tell our parents. We didn't even know about what they knew at the time.

So these children grow up in adoptive families and they know nothing about their genetic background—nothing—and these terrible things are happening. Women are having miscarriages and they don't know why. People are suffering emotionally. Talk about cruelty—the cruelty of not passing this bill when we have an opportunity.

You know what the worst of it is? The majority of people in this Legislature support it. Seventy-five per cent of Canadians support it. A survey was just done; I have it here, a survey done by the University of Guelph. It's very accurate. Some of the government bills that are being called may not have majority support, just like Bill 30. It was a very controversial bill, a very difficult bill for us and for many others. It tore people apart in rural versus urban settings. But it was called, we debated, we voted on it. That's all I'm asking.

But do you know why the bill isn't being called? The bill is not being called because the majority of legislators here support it and because the bill would pass; because a few members sitting on that side of the House have some vehement opposition to it. I, frankly, don't understand what it's all about. If you read my bill—

*Interjection.*

**Ms Churley:** Oh, Brenda Elliott, the minister responsible, would like me to get back to puppy mills. Puppies are important, but so are people, the area you're respon-

sible for. Minister, you have reviewed these documents and you know the suffering that's going on out there.

**The Acting Speaker:** I'd just like to remind the member that she needs to make her comments through the Speaker.

**Ms Churley:** I'm almost done here, Mr Speaker. What I'm going to do is tell the government this: there is still an opportunity to come back to the table and negotiate a deal here. But in the meantime, we are not playing ball here tonight.

I want everybody out there to know people are off at parties tonight, having their Christmas parties. So what I'm going to do now is move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a half-hour bell.

*The division bells rang from 1900 to 1930.*

**The Acting Speaker:** Ms Churley has moved adjournment of the House.

All those in favour will please stand and be counted.

All those opposed will please stand.

**Deputy Clerk (Ms Deborah Deller):** The ayes are 12; the nays are 42.

**The Acting Speaker:** I declare the motion lost.

The member for Toronto-Danforth has the floor.

**Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs):** On a point of order, Mr Speaker: I'd like to congratulate the whip's office and Lynne Demers for all their hard work in getting 42 members out.

*Interjections.*

**The Acting Speaker:** I guess it's going to be that kind of night.

The member for Toronto-Danforth.

**Ms Churley:** I say to people who might be watching and listening that you've just witnessed the power of the majority, the power of the dictatorship as we stand here tonight dealing with the third government—

*Interjections.*

**Ms Churley:** Oh my God, now they're taunting me because they don't understand the importance of why we're doing this tonight. We're debating the third government private member's bill and the government refuses to bring forward one New Democratic bill. They should be ashamed of themselves. They're actually enjoying themselves.

I'm now going to call for an adjournment of the debate.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1933 to 2003.*

**The Acting Speaker:** Ms Churley has moved adjournment of the debate.

All those in favour will please stand.

All those opposed will please stand.

**Deputy Clerk:** The ayes are 10; the nays are 37.

**The Acting Speaker:** I declare the motion lost.

Further debate?

*Interjections.*

**Mr James J. Bradley (St Catharines):** Now he's driven Garry out of the House.

**Hon Mr Baird:** Don't say a bad word about my friend Garry Guzzo.

I'm very pleased to have the opportunity to speak to the bill presented by my colleague the member for York North. She is a tireless worker for her constituents. She fights hard on every issue that she feels strongly about. She's an honourable member. She has worked tremendously hard to get this bill before the House and I want to congratulate her.

*Applause.*

**Hon Mr Baird:** It is well that my colleagues should congratulate her for her leadership in this regard.

**Interjection:** She's the top dog.

**Hon Mr Baird:** She's definitely the top dog.

I can tell you that my constituents in Nepean-Carleton, whether they be in Stittsville, Barrhaven, Greely or Metcalfe, are tremendously concerned about the safety and well-being of animals, particularly dogs and cats, with respect to those people who breed and sell animals. They should be treated humanely. Whenever there is a tragic incident involving abuse of animals, the public outcry is incredible because people in Ontario, particularly in my community of Nepean-Carleton, feel tremendously about these issues. They think the government can do more, as the member for North York feels. She brought forward this bill as a reasonable and meaningful bill to try to better protect those who don't have a voice. I want to congratulate her for this.

There have to be some basic protections and safeguards for these animals. I operate in Nepean-Carleton, which has a substantially large rural population. About 40% of the population of Nepean-Carleton—the Carleton part of the riding—live in rural parts. That area was very well represented by Norm Sterling for many years. I'm so glad that the member for Lanark-Carleton is back in the House today to participate.

**Hon David Young (Attorney General, minister responsible for native affairs):** And still in the House.

**Hon Mr Baird:** And still in the House. They were tremendously well served by Norm Sterling in the Ontario Legislature.

There has been some issue with respect to the agricultural industry. I was pleased that the member opposite tried to separate her bill from the general agricultural bills, because generally speaking I don't think you'll find a group of people who better protect their animals—

**Mr Bradley:** There's the orders.

**Hon Mr Baird:** "Don't put the question," is what it says, Jim.



You won't a group of people who are better stewards of animals than most farm operators. There will be the small number of bad actors who have a dairy or hog operation, but the overwhelming majority of farm operators right across Ontario are good actors. The member's bill certainly recognizes that the plight of domestic animals, of domestic pets, is of tremendous concern and she's brought forward this legislation.

There are a small number of puppy mill operators who operate in disregard of the safety and security of these animals, and that causes all of us concern. I know it causes people concern in Espanola and on Manitoulin Island.

*Interjection.*

**Hon Mr Baird:** Some would say, I say to the member for Erie-Lincoln, let sleeping dogs lie. But the member for York North, Julia Munro, said no. She wanted to step in and put legislation forward. She brought it to the Legislature for second reading. I was quite impressed to see the support of all members of the Legislature from all three political parties.

*Interjection.*

**Hon Mr Baird:** I hear one member complaining in the corner. She's been carping regularly throughout the evening. This is a private member's bill. This is a bill that the member for York North brought forward because it was something that was important to her. That's something that's tremendously important, that all members of this House, be they sitting on the treasury bench, in government or in opposition, have the ability to bring issues that are important to them and to their constituents. I am someone who strongly supports the report of the committee that was chaired by Margaret Marland, the member for Mississauga South, capably served on by members of both sides of the House, which says there should be a bigger role for all members of this Legislature, regardless of whether they're on the treasury bench. And that bigger role shouldn't be contingent upon whether you agree or disagree with them. It should be contingent upon the ability of members like Ted Arnott, the member for Waterloo-Wellington, who had the courage of his convictions to tackle a difficult issue, to bring a bill to the floor of the Legislature, to have the courage to face some pretty stiff opposition in all corners of this province, to stand up for what he believes in, to have a debate on the floor of the Legislature. It was a healthy thing to have an open vote on that issue earlier today.

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I want to congratulate the House leader of our party for helping make that happen. Chris Stockwell has been pushing for a greater democratization of this place than we've seen in recent times. I don't think that ever in the history of the province of Ontario have we stayed after hours to work on issues that are important to members who don't sit on the treasury bench and who don't sit on the executive council. It's because Chris Stockwell, not only when he sought the leadership of this party but after the leadership and after the election, when the votes were

counted, continued his plea to make backbenchers' issues on all sides of the House a major priority. I want to congratulate him. There is no prouder role I've had in public life than to serve as Chris Stockwell's deputy. It's been a real honour and a privilege for me to get to know the member for Etobicoke Centre and his capable executive assistant, Peter Hardie. I woke up to watch Breakfast Television on Monday, and there was a Peter Hardie from Etobicoke, aged 39, who was charged with abusing an animal, which is very pertinent to the member for York North's bill, and I want to assure all members of this place that's not the Peter Hardie who works for Chris Stockwell. I know that Peter Hardie feels as strongly as all members do of the need to step in and provide protection for our four-legged friends. So I want to congratulate Peter Hardie.

There have been a number of cases in various parts of the province. The member for York North will know the case north of the city of Toronto a number of years ago. I can recall speaking to the Solicitor General at the time, Bob Runciman, who spoke about the number of calls and complaints that they got in his office with respect to this tragedy and believing that there was an important role for government. Now, I'm not one who believes that there should be an expansive role for government in all areas, but I do believe there is an important social responsibility that we have, whether it's to protect those who are developmentally disabled, whether it's to protect those who are perhaps down in their luck and who need assistance, whether it's to protect those who need health care, regardless of their position in life, and I think that the rights we afford to dogs and cats should be something we're concerned about. We should stand up and make a statement that for those in pursuit of profit in a market economy who would put profit ahead of basic decency—there should be some recognition of that in law, in the statutes of Ontario. I am pleased that the legislation brought forward by the hard-working member for York North reflects that.

I do believe that there is an important role for all members of this Legislature in presenting legislation. Again—

*Interjection:* Regardless of party.

**Hon Mr Baird:** Regardless of party, regardless of whether they're in the executive council or not. We saw earlier today the member for Waterloo-Wellington, someone who has been known right across the province of Ontario as a freedom fighter, stand up and fight for what he believes in.

*Interjection.*

**Hon Mr Baird:** "He's a courageous man," the member for Stoney Creek says, and I want to underline that. The ultimate verdict on that is, whether people agreed with him or disagreed with him, they can respect him. Whether they agreed with him or disagreed with him on Bill 30, they can acknowledge that when a private member brings forward a meaningful bill that's important to them and their constituents, there should be debate, there should be a vote. A decision is part of the political

dialogue in this province, and we had that earlier today. But too often this place becomes very political.

I see the member for Sudbury here tonight. The member for Sudbury has brought forward a good number of meaningful private member's bills that I think we should have had the opportunity to debate in this place. But that requires that there be an amount of give and take. Too often in the Legislative Assembly of Ontario in recent times we haven't seen that. It's become an all-or-nothing struggle to say, "Unless I get everything that I want, there's not going to be democracy." As someone who as fought for the rights of individual members of this Legislature, it can't be contingent upon whether you happen to agree with them. That's what the calling of Bill 30 was about earlier today.

I would have liked to have sat in this place and debated Bill 77. I went to the member who brought Bill 77 in and begged her, "Don't put the union bosses ahead of the adopted people in the province of Ontario who want their rights and freedoms respected. Don't put the interests of a narrow constituency controlling your political party ahead of the interests of the important people who are affected by this legislation." I went to her last week and I said, "Don't do it." I went to her this week and I said, "Don't do it." But the union bosses won out. They didn't want a democratic vote in this Legislature on Bill 30.

The bells of democracy rang hard earlier today, where we had a vote and people could stand up and be counted. A majority did not agree with the member for Waterloo-Wellington. I did, but a majority didn't. That's democracy. I respect that. Part of democracy is not just having a debate, but it's to have an opportunity to have a vote on it. Too often, members on all sides of this Legislature bring forward partisan issues motivated by political partisanship for debate and a vote in this House. But that didn't happen for the member for Waterloo-Wellington; it didn't happen with the member for Toronto-Danforth. They brought forward bills that in one case the riding cared about and in the other case the individual member cared about, and I respect them both. I respect the member for Waterloo-Wellington and I respect the member for Toronto-Danforth.

Earlier, I checked my e-mail from my constituents. I had a constituent send me an e-mail who said, "Why did your party stop a vote on this?" I said the Premier of Ontario made an earnest effort to say, "I think there should be a free vote on both members' bills, on the government side and on the opposition side." The government House leader once again went to bat for democracy to say there should be a free vote on both those issues. But they approached a brick wall, saying, "It's not the constituents of our individual ridings who count; it's not the right that all members have to eventually get their bills called for third reading. The union bosses are going to control what happens in this Legislative Assembly." And I said, "Well, Bill 30 probably won't even pass. What's wrong with a democratic vote?"

Premier Eves last week said that we should have more, meaningful private members' bills come up for debate

and to have decisions. What's wrong with that? Isn't that democracy, Mr Speaker? But that's not what happened in this place. So I'm not going to sit back and allow any one in the province of Ontario, whether it's the member for Toronto-Danforth or anyone, to say there wasn't a legitimate, meaningful offer to have a vote on her bill, because there could have been a vote on this bill. We could have debated the bill, and we could have rendered as a decision. I think it's pretty obvious that the bill would have passed. But the brick wall went up and they said no. And when people complain as to why Bill 77 wasn't passed for debate, the finger will be pointed at one person and one person only, the member for Toronto-Danforth, who had an opportunity to have this bill called, but her House leader—and she, because she supports her House leader—said they wouldn't allow it to come for vote. I think that's regrettable. I really do.

It's not just the member for Toronto-Danforth. The member for Sudbury brought forward two or three good private member's bills for debate in this chamber and hoped to get a vote. He's also a loser in this, and all the people in Ontario are losers. There should have been a vote. We should have had a meaningful debate and decision on the bills from the member for Sudbury. Representing his constituents well, he brought forward bills and they got caught up in the brinkmanship of politics. That's something I know the government House leader didn't want to see happen. That's something I know that no member of the government or the official opposition wanted to see happen. That's got to be put on the record, because I'm not going to allow any constituent in Nepean-Carlton or around Ontario to question why that happened.

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With respect to the House leader for the third party, I respect him. He has strong opinions. He cares. It may surprise him that I do respect him, but you can't put the brick wall up, have somehow a legislative battle where you draw the line in the sand and nothing moves forward, and then think there is no consequence to it. I think that's regrettable, I say to the House leader for the third party, because I do have a tremendous amount of respect for him. I'm disappointed that that happened not only in the spring but also happened now.

I supported Bill 77 on second reading, as Minister of Community and Social Services. It sailed through without a single moment of debate. I said, "Let's send it to committee hearings. Let's find out. In principle, we'll support the bill. Let's send it out to committee hearings. Let's have more debate. Let's allow the public to have an opportunity to come forward and discuss the bill." It was something we and the House leader of the day, Janet Ecker, offered up. It sailed through.

There was a legislative compromise. A whole bunch of good legislation went through that day. We repealed the Homes for Retarded Persons Act, which was an omnibus bill, removing offensive and outdated language and terminology affecting the developmentally disabled of the province. That was one of the good pieces of legislation that went through in this House.



I want to credit the House leader of the third party. He was very helpful in that, and I would be dishonest if I didn't put that on the record. That type of legislative co-operation is far too often not present in this place, and I regret that.

I look to my House leader. Is that still the case?

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Yes.

**Hon Mr Baird:** We are continuing the debate on the bill brought forward by the member for York North. I want to indicate that the constituents in Nepean-Carleton, whether they be in Bells Corners or Craig Henry—or in Hamilton and other parts of the province, in Stoney Creek, Napanee, greater Kingston, Oakville, Mississauga and Etobicoke—care about this issue.

Whether there is a young girl in Napanee who wants to ensure that puppies and cats are cared for, that they will be protected by this bill from those who, in the pursuit of profit—there will be protection. Whether it's a young girl growing up in Mississauga, she too will know that there will be legislative protections in the statutes of Ontario.

This is important for our humane societies around the province and for the Society for the Prevention of Cruelty to Animals. It is important that they have the tools to step in to protect innocent lives, to protect the puppies and kittens of this province. We don't want to see any creature in Ontario abused or neglected, particularly in the pursuit of profit.

I want to congratulate, if I could, in my last two minutes, the member for York North for her tireless dedication and effort. The unscrupulous puppy mill operators of this province have a real enemy in the member for York North.

This legislation is perhaps not the most consequential piece of legislation ever debated in this Legislature, but it nonetheless is important for those of us who care passionately about protecting those who are vulnerable, whether it be in the amendments we brought forward to children's aid societies, whether it be in the good number of protections to provide supports to those who are developmentally disabled or, in a small way, to provide support to our law enforcement officers, to the Society for the Prevention of Cruelty to Animals, to our humane societies. Too often, people turn their backs.

Earlier, in my first term in Parliament, the former member for St Andrew-St Patrick, Isabel Bassett, brought forward legislation to provide supports and strengths to this area. That was tremendously important and meaningful. We should, on this day, congratulate her for those efforts.

I hope the member for Sudbury is going to speak next. Is that the case? I think a lot of members are sticking around for the vote and to hear the member for Sudbury speak.

We look forward to more debate and, most importantly, at the end of this process—we approved this bill at second reading unanimously. The third party had no comments on the bill other than to talk about other issues

and to move adjournment motions. I hope at some point we will be able to have a vote, which is an important part of democracy, on third reading of the bill.

**Mr Bradley:** On this auspicious evening, I appreciate the opportunity to speak on a bill of some significance in that it is at least a part of a bill that was introduced by my colleague Mike Colle, the member for Eglinton-Lawrence and a passionate defender of the rights of animals in this province. In fact, he's had press conferences, introduced legislation and campaigned vigorously across the province for meaningful legislation which would protect animals in this province.

Bill 129, of course, was introduced by the member after the bill that was introduced by Mike Colle in November 2001. Unfortunately, this bill is very limited in that it applies only to dogs and cats raised by breeders. My colleague Mr Colle has referred to this as the breeders' bill as opposed to a bill that really would protect all animals in all circumstances. His bill contained fines for violators and allowed for tele-warrants. This bill, I guess, does. This bill, I understand, is rejected by the Ontario Society for the Prevention of Cruelty to Animals, and they are the ultimate people, I think, in making a judgment on whether legislation is truly meaningful or only a token step toward what the member for Eglinton-Lawrence was trying to achieve.

The member herself, I know, is a dog breeder and has some familiarity with this issue.

*Interjection.*

**Mr Bradley:** The member for Don Valley East refers to a conflict of interest. I can't make that judgment. I'm not the Integrity Commissioner, so I can't make that particular judgment, but that is a contention that my colleague has enunciated in his contribution to this debate.

Let's look at what's missing from this bill and perhaps get a hint as to why the Ontario Society for the Prevention of Cruelty to Animals has rejected the bill as not suitable for passage in this House. First, it is restricted only to dogs and cats that are bred for sale. Second, it excludes all other animals, such as horses and birds, bred for commercial sale and animals in distress, like Holly, the dog—we remember that particular incident of Holly—who was dragged behind a car last year. There were mutilations of cats, dogs and other animals. Animal fighting is still going to be allowed under this proposed legislation, and this in the year 2002. There is no new power for inspectors. They can be obstructed, essentially, without penalty. There is no licensing for breeders, and anyone can breed animals in the backyard or in basements without an inspection and licensing. So you can see that the limitations of this bill are very substantial.

I want to share with members of the House what the Ontario Society for the Prevention of Cruelty to Animals thinks of Bill 129, the bill put forward by Ms Munro. I'll quote from the Ontario Society for the Prevention of Cruelty to Animals press release on March 13, 2000. They said, "Contrary to what the Harris government and many of our MPPs have been saying, the Tories are not showing the leadership needed to pass reforms for animal

protection,' says Vicky Earle, CEO of the Society. 'They have ignored these amendments that have been sitting on their desk since June, 2001, and instead have rallied behind Julia Munro's private member's bill which is so problematic that the Ontario SPCA cannot support it.'"

Then, there's an SPCA press release on March 13 that adds more to it. It says, "Mr Colle's concern over the crisis of puppy mills in this province compelled him to introduce private member's Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act, last fall—a bill that unfortunately was defeated by the Progressive Conservative government."

2030

Again in the press release of March 13: "The society said it could not support the private member's bill introduced by Progressive Conservative MPP Julia Munro (York North), yet the Tory government has continued to point to her bill as its display of effective action.... The Ontario SPCA did not work with Ms Munro in the drafting of her bill and has explained categorically its concerns with her bill. Meanwhile, the government has failed to introduce the numerous amendments"—

*Interjection.*

**Mr Bradley:** This is significant, I say to the member for Stoney Creek, who is attempting to interject. I'd ask him to listen to this portion of it, because it's very important that you listen to something instead of simply trying to intervene for the purpose of blocking something said.

It says the following: "Meanwhile, the government has failed to introduce the numerous amendments the Ministry of the Solicitor General did work with the Ontario SPCA on, along with other ministries, over nearly a two-year period."

In the spring of 2002—here's a significant fact for all members of the House and those at home who are watching this debate attentively—the Ontario Tories were set to introduce, and I would have applauded this, as would my friend Mike Colle, a comprehensive animal protection bill. The details were contained in a draft document approved by the cabinet committee on justice and intergovernmental policy. The proposed legislation would have included the amendments that the OSPCA was asking for. Mr Eves and Mr Runciman, after concentrated lobbying by the puppy mill industry, suddenly withdrew the proposed legislation.

That's of great concern to me, because it looked like the government had come to the edge of making a good decision, a decision I would have led the applause for, as would my colleague Mike Colle, who has championed this cause for such a long period of time. But there was great pressure put on the government by a lobby group. This government says, "We don't listen to special interests."

**Hon Mr Clark:** No.

**Mr Bradley:** Well, they do, quite obviously. They listened to the puppy mill industry and backed off, took three, four, five steps back on legislation that could have been introduced, legislation for which the government

could have taken some considerable credit because it would have responded to the concerns expressed by Mike Colle, the member for Eglinton-Lawrence, who obviously would have received a lot of the credit. But the government could have shared in that credit. Instead, there was a major retreat, a major change when the puppy mill industry got wind of what was happening and decided to put pressure on the Harris-Eves government.

The September 17, 2002, leaked cabinet document shows that Mr Eves and Mr Runciman have abandoned comprehensive legislation in favour of a soft, PR approach by deciding to put forth Ms Munro's Bill 129. Bill 129 was rejected by the OSPCA and supported only by the puppy mill industry and their supporters. I can understand why the puppy mill industry would support it: because it protected them. It protected them finally. There was somebody, obviously, within the government who cared enough about this issue, who was heartened by what was happening inside the government, to move this issue along, who said, "It's time this got leaked to the public," about what the government was really doing. I suspect that there were people on the government benches—because not all of them are right-wing zealots; there are one or two or three or four—

**Mr David Caplan (Don Valley East):** Name names.

**Mr Bradley:** Well, as I look in the House tonight, I see at least three, perhaps four, who I wouldn't classify as right-wing zealots, who may be, if not red Tories, at the very least very light blue Conservatives who I think might have supported that initiative originally and themselves would have been deeply disappointed when somebody put the kibosh on this in the cabinet procedure—likely the Premier and the Solicitor General, as he was called at that time, before he got Tom Ridge's title of public safety, or whatever he's called now.

Now that I'm mentioning him, I should say this to you, Mr Speaker, because you would be concerned about this as a member from the north and in light of the auditor's report: \$60 million was withdrawn from the budget of the Minister of Public Safety and Security, my good friend Bob Runciman. I have been fighting since that time to have that money restored to his budget. I would suspect one of the reasons he absented himself from the vote today on Bill 30 was because he wanted to show some protest to the rest of the government for robbing his ministry of \$60 million.

**Hon Mr Clark:** You're making that up.

**Mr Bradley:** No, the first is fact; the second is conjecture, and I think it's fairly safe conjecture.

Now let's look at Mike Colle's original Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act. It was introduced way back in October 2001. It allowed for inspections by officers of selected puppy mill operators and other breeders of animals for commercial sale. It allowed for licensing of animal breeders. It called for prohibition of pet stores from selling animals from unlicensed breeders or kennels. It allowed for lifetime bans on animal breeders and kennels that operated illegally. That's a get-tough approach. That's a law-and-order ap-



proach. This government likes to talk about law and order. It called for heavy fines or jail terms for convicted puppy mill operators and other illegal breeding operations. What a fine bill that was. What a fine bill, had it passed the House. Again, I would have given due credit and applause to the government, as I like to be generous in my praise when I believe the government has done the right thing. Fortunately, I don't have to be that generous, because they do not do that very often.

Let's look at a second bill. He said, "Look, if they're not going to support the first bill, let me try another bill, Bill 105, the Animal Cruelty Prevention Act." It was introduced in May 2002, this year. It was modelled after the OSPCA-proposed amendments. So he said, "Let's get some of those amendments in there. They've worked hard on this. They've made some good suggestions. Let's see, not what the puppy mill breeders are all about, not what the lobby of the vested interests is, but the lobby of those who have the interests of animals themselves in their hearts, the OSPCA."

It makes it an offence to cause an animal to be in a state of distress—sounds reasonable to me. It makes it an offence to train an animal to fight another animal. We know from exposés that have taken place that even today, in the year 2002, in a province which professes to be a progressive province, that there are still illegal animal fights going on, but this would make it an offence to train an animal to fight another animal. What a good, progressive step that would be. My guess is that the member for Waterloo-Wellington would have been applauding that wildly, because he's the kind of person who would care about animals.

It introduces standards of care for animals' health and welfare, including adequate food and water, adequate medical attention, adequate shelter, safe transportation and protection from harmful confinement. We've seen only too often on news stories the sad tales of animals being abused and mistreated, in some cases deliberately through striking out at the animals, in others through neglect. Mike Colle's bill, Bill 105, would address that. That's the bill we should be dealing with this evening.

It would allow judges to impose a lifetime ban on puppy mill owners and operators from animal ownership. It makes all kinds of sense. Isn't there a lifetime ban on poor people for doing something? What was it you on the other side introduced to put the boots to poor people? If they broke the law once, for life they're no longer eligible for something. I can't recall exactly what it is, but that's what you've done. It's not for corporations that don't pay their taxes, because the auditor said half the corporations in this province hadn't even filed tax returns. This is the province which is good for snitch lines and is tough on everybody, except of course those corporations which refuse to pay their taxes.

By the way, can you imagine, on this side and the other side, how those corporations that have filed their tax returns, are legitimately paying their taxes, are doing their public duty and are fulfilling the laws of this province must be angered when they find out that half of their competitors and fellow corporations have not even filed

tax returns in this province. They must be as annoyed as the general public is.

**2040**

But I digress. I want to move back to a bill that I want to compare with this bill, and that is Mike Colle's Bill 105. His bill would make it an offence not to comply—no, let me get to an earlier part. It allows the OSPCA investigators to act on instances of cruelty in a more timely fashion. Mike Colle's bill makes it an offence not to comply with an OSPCA order or obstruct the OSPCA investigators. The Mike Colle bill increases penalties for those found guilty of an offence to a maximum of \$100,000 and/or two years in jail for individuals and a maximum of \$250,000—that's a quarter of a million dollars—in fines for corporations. I'll tell you, that's a meaningful penalty. That's enough to make somebody withdraw. That's enough for somebody to say, "I'm going to comply with this tough new law in the province." It allows judges to issue tele-warrants to inspectors for expeditious investigations and rescues, essential when the life and health of the animal is at stake. His bill is enthusiastically supported by the OSPCA, and over 230,000 Ontarians, including a large number in the city of St Catharines, which Mike Colle visited, signed petitions supporting these amendments. I want to say as well that while this bill is perhaps a tiny step in the right direction, it's not entirely the kind of legislation that we need.

I'll tell you what bill would be very good, and at this point in time, I seek unanimous consent of the House for second and third readings of Bill 128, the Highway Memorials for Fallen Police Officers Act. I think that would be timely at this point in time. I seek unanimous consent for second and third reading.

**Hon Mr Stockwell:** Of what?

**Mr Bradley:** Of Bill 128, the Highway Memorials for Fallen Police Officers Act.

**The Acting Speaker:** Mr Bradley has asked for unanimous consent to give second and third readings to Bill 128. Agreed? Agreed.

#### HIGHWAY MEMORIALS FOR FALLEN POLICE OFFICERS ACT, 2002

#### LOI DE 2002 SUR LES CONSTRUCTIONS SITUÉES SUR LA VOIE PUBLIQUE ET NOMMÉES À LA MÉMOIRE DES AGENTS DE POLICE DÉCÉDÉS

Mr Bartolucci moved second reading of the following bill:

Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty / Projet de loi 128, Loi permettant de nommer des ponts et d'autres constructions situées sur la route principale à la mémoire des agents de police décédés dans l'exercice de leurs fonctions.

**The Acting Speaker (Mr Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

# HIGHWAY MEMORIALS FOR FALLEN POLICE OFFICERS ACT, 2002

## LOI DE 2002 SUR LES CONSTRUCTIONS SITUÉES SUR LA VOIE PUBLIQUE ET NOMMÉES À LA MÉMOIRE DES AGENTS DE POLICE DÉCÉDÉS

Mr Bartolucci moved third reading of the following bill:

Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty / Projet de loi 128, Loi permettant de nommer des ponts et d'autres constructions situées sur la route principale à la mémoire des agents de police décédés dans l'exercice de leurs fonctions.

**The Acting Speaker (Mr Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill now be entitled as in the motion.

# ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2002 (continued)

## LOI DE 2002 MODIFIANT LA LOI SUR LA SOCIÉTÉ DE PROTECTION DES ANIMAUX DE L'ONTARIO (suite)

**The Acting Speaker:** The member for St Catharines.

**Mr Bradley:** I see I have 37 seconds left in my speech this evening. I hope all of us understand at the very least that there is a genuine problem out there with animals, who are very vulnerable. I think that all members of the House, regardless of what political party you're with, share that particular concern. I hope that all of us share that particular concern, and I move—what?

**Interjection:** Adjournment of the House.

**Mr Bradley:** Adjournment of the House.

**Hon Mr Stockwell:** No.

**Mr Bradley:** No?

*Interjections.*

**Mr Bradley:** I don't move adjournment of the House. I withdraw my adjournment motion. I thought it was 9:30.

**The Acting Speaker:** It is an unusual evening. Further debate?

**Hon Mr Clark:** It is indeed a pleasure for me to participate in this debate. The member has brought forth a bill which, I have to tell you, really does mean something very special to me.

As I grew up, dogs were a big part of my life as a child. My father was actually a police officer. He was a

canine officer in Hamilton. This was in the old days in the Hamilton police department—a lot of people don't know this. This was back in the 1960s. My father came home with a dog. In those days, they actually brought the dogs home. This dog—

**Mr Ted Chudleigh (Halton):** They still do.

**Hon Mr Clark:** Do they still bring them home? This was a beautiful German shepherd. This dog was about 120 pounds. I used to call it a bear. This thing was huge. His name was Scout. He was the most obedient dog, and he was my buddy. This was an attack dog. This was a dog that was there to protect the police officers, to do their job, to do searches, to find people, and this dog was trained remarkably well by a trainer who's name was Walter. I can remember how passionately Walter used to talk about breeding dogs and the proper and humane treatment of dogs. He was a tremendous breeder. The man had such passion for his dogs. In terms of training them, there was no better. It's amazing what a dog can do when it is well-trained, well-bred, nurtured and looked after.

Our colleague Julia Munro, a tremendous member, brought forward this bill to protect animals: dogs and cats. I can remember when she came and talked to me about this for the first time. It kind of struck me at that moment that—every so often in this House we kind of get caught up in the debate. We get caught up the partisan politics from time to time. Then, things come forth that actually have real meaning in people's lives. Many times we are debating things and we have no personal experience on the matter that is before us. We may be debating anything from long-term care to mental illness, and many of us may not have experienced that. I was responsible for bringing in Brian's Law, but I had no personal experience. I had no family members who had mental illness. I was shocked at the time to learn that one in four people in Ontario have a serious mental illness. I didn't have any life experience with it. On this particular matter, I have some life experience. What Julia, my colleague, brought forth made sense: to put into law requirements that the breeder—I go back to my friend Walter, who I'm sure is long gone now. He was in his 60s when I was a young man of 10. Do the math: I'm sure he's gone on to the great breeder school in the sky. He had standards, because he had that passion to look after his animals and treat them well.

I can remember how upset my father would be when you'd hear about abuse of dogs or cats. I can remember once in my own community when someone had tossed cats out of a car window into Mount Albion Falls in a plastic bag, that kind of abuse.

**2050**

My colleague brings forth a bill that puts standards in place for keeping cats or dogs for breeding or sale. The standards are pretty clear. For you and I, Mr Speaker, for people who are humanitarians—I have a dog at home, her name is Peanut. I look after my dog. She's a cockapoo, a lapdog. I look after her. But to ensure that people in the province of Ontario, to ensure that breeders do the right thing—



### *Interjection.*

**Hon Mr Clark:** As the member for St Catharines said, to ensure that the breeders do the right thing, the first thing in the bill is to provide the animal with adequate food and water. It seems simple to you and me. Some of us in this place have more than adequate food; some of us eat more than enough food. It's important that the breeder provide adequate food and water.

To make sure that when the animal gets sick it has medical attention: for the average people sitting at home listening to us talk about this, it almost seems surreal that this Legislature would have to talk about it, because you would think that human beings would never ever abuse an animal, and that when an animal is ill, you would look after it.

A month ago, my dog almost died. She had pancreatitis, diarrhea and was dehydrated. I sat up for three days feeding her droplets of water trying to keep her alive, and she came through it. It was very stressful, but that's providing appropriate medical attention to a dog or cat. This bill says, "Provide the animal with adequate medical attention when the animal is sick or injured or in pain or suffering." The member put it into the law to ensure that it is done.

Most of us humanitarians who see an animal in distress simply do it. My daughter, when she was four years old, brought home a bird that flew into a window, because the animal was in distress. That was a good humanitarian effort, and I praised her for that. But there are people out there in Ontario who don't care. They put the bottom dollar first; they simply don't care—no passion, no concern. That's shameful that it happens in a province like Ontario.

To provide the animal with adequate protection from the elements: how often I've seen in the newsreels where they go in to one of these puppy mills and see that the animals have not been protected from the elements. The dogs or cats, newly born, are freezing to death or, in the summertime, are in a garage that is heated up beyond what the animal can sustain, and as a result of exposure, is dying. How can we in this province allow this to happen? My friend Julia Munro says we can't.

To transport the animal in such a way to ensure its physical safety: another simple one.

Then she puts in here, and I think this was really specific: "Not confine the animal to an enclosure, with inadequate space, with unsanitary conditions, with inadequate ventilation, without providing the animal with an opportunity for exercise, together with one or more other animals that may pose a danger to the animal, or that is in a state of disrepair or that is dangerous to the animal's health or well-being."

She pretty well covered off every potential parameter. I think it's important that this be done. Then she took it one step further and said that it's an offence if anyone who doesn't comply with these standards. Society, I would argue, believes it is offensive. It is an offence to do these types of things to innocent animals that gener-

ally just give unconditional love to their owners. That's what they do.

The last thing I point out here is she also included a penalty: \$60,000 or imprisonment. She put a penalty right into the bill. So you look at this, and what she has done is brought forth the bill out of her concern for dogs and cats, that they be protected. That's what this place is all about.

When I came here three years ago, I vividly remember my first day in this House. I can remember talking to my colleague from Hamilton West and my colleague from Hamilton East, and I was just shaking my head. I couldn't believe the—to be diplomatic—repatee across the floor. I guess I was a little naive when I first came here. I kind of thought we'd all work together and bring in good laws.

I can remember when we brought in Brian's Law. I worked to hard to prove it could be done. It wasn't easy. I can remember Frances Lankin—I can't remember her riding now—

**Mr David Christopherson (Hamilton West):** Beaches-East York.

**Hon Mr Clark:** —Beaches-East York—and Lyn McLeod, from Thunder Bay-Atikokan, if I'm not mistaken. They were the health critics at the time. I was parliamentary assistant for health, and I was asked to modify the Mental Health Act. I can also remember at the time my colleagues on this side saying it was basically a suicide mission, that the Mental Health Act had never been opened. "There's a reason for that," they said, "Good luck."

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** If they told you that, they didn't know what they were talking about.

**Hon Mr Clark:** I thought, "How hard can it be?" So I kind of took the opinion of Sean Conway and thought to myself, "It can't be that hard."

**Mr Conway:** It was done in 1978; I remember it very well.

**Hon Mr Clark:** The member says it was done in 1978. I can remember looking back at Hansard, trying to get a handle on the groups that were involved, and I would say to my honourable friend that they were disparate groups.

**Mr Conway:** Elie Martel and Evelyn Gigantes were totally opposed to it, and they were from the same caucus.

**Hon Mr Clark:** Yes, they were on all sides of the spectrum. From one end you had psychiatric survivors, who had major concerns about community treatment orders, and at the other end of the spectrum we had the schizophrenics' society, who were expressing the need to help keep people on their medicine. So you had this huge, disparate group, and I was charged with the responsibility of somehow getting everyone together to come up with a better Mental Health Act.

I took the responsibility to go and talk to Frances Lankin and Lyn McLeod, and we started going out and actually doing hearings and meeting with the stake-

holders. And what ended up happening out of it all was we slowly came together and started to recognize that every single person simply wanted to improve the act, and so how would we do it, how would we put the safeguards in place? When we took that position, we were able to come out with a bill that went out on first reading, and I can recall amending the bill a few times, actually right in the committee hearings. I was getting my exercise running in and out as we were negotiating these amendments.

My point is that I had faith the process would work. I also have faith that private members' business can work. I have faith that private members' business is meaningful. The members come forth with concerns in their community, concerns from their constituents. Many of them do thorough research on them and bring them forward. Some may not believe it works, but I have faith that it will work. And the fact that we're here tonight debating a private member's bill—most people would say, "Gee, logically one would assume that is proof that private members' business works." When I first came here, I was told, "Private members' business never gets passed. Don't even worry about trying to come up with something significant, because it just never gets passed." And yet here we are again today debating private members' business. As a matter of fact, we spent last night debating private members' business. The House leader—a remarkable job, an absolutely remarkable man—just continually amazes me. And I'll send him the bill later for my statements in the House.

2100

**Mr Conway:** Aren't we lucky.

**Hon Mr Clark:** We're so lucky you weren't here last week, I tell you. We're still counting our stars that you weren't here last week.

We've got these opportunities to bring these things forward. But what really bothers me—I asked my House leader about it, because I couldn't understand this. Some people say I'm not the sharpest pencil in the package.

*Interjection.*

**Hon Mr Clark:** I won't name names. The member for St Catharines disagrees. He knows I'm a fairly sharp pencil—not the sharpest, but a fairly sharp pencil.

I couldn't understand how a private member's bill could be stopped from moving forward when everyone seemed to agree in principle to get it out there. Then lo and behold he said, "It's called horse-trading." That's funny, because we're talking about an animal bill here. I thought there was a connection, and I scratched my head—I'm not the sharpest pencil in the pack.

*Interjection.*

**Hon Mr Clark:** You've got to look in the mirror. There's one difference between stupidity and genius. Genius has limitations. The member over there has no limitations.

One would have to ask why this thing would be stopped, and it was in fact horse-trading. For some reason, someone, I won't name names, got their knickers in a twist about Bill 30.

**Hon Mr Stockwell:** Kormos.

**Hon Mr Clark:** Kormos. I wasn't going to name names, but you did.

The reality is, as a result of knickers getting in a twist, because it was unions—I happen to get along with union leaders; as a matter of fact, the union leaders have been meeting with me, and they respect me because I'm honest and I tell them exactly how it is. I think union leaders would be a little bit upset if they knew that as a result of some of their concerns on one particular bill, another bill never came to the House.

**Hon Mr Stockwell:** Say it isn't so.

**Hon Mr Clark:** I have to tell the House leader that I think they would be upset. Some of these union leaders would find it offensive that they took a position on a bill—how could it impact another bill, a meritorious bill that should have had the right to be debated and have a vote? How could it be that their position on volunteer firefighters could somehow impact another bill? But lo and behold, apparently the House leader for the New Democrat Party found a way. I'm learning; I now understand what horse-trading is.

**Hon Mr Stockwell:** You're like a sharp pencil now.

**Hon Mr Clark:** A sharpened pencil—I'm getting better, and the House leader is helping me. Some day I might know as much as him.

**Hon Mr Stockwell:** No, it isn't possible.

**Hon Mr Clark:** It's probably not possible.

**Hon Mr Stockwell:** It's not going to happen.

**Hon Mr Clark:** It is a goal, though. Isn't that right, member for St Catharines? You should have an attainable goal.

**Mr Bradley:** When you entered the House you were as sharp as he was.

**Hon Mr Clark:** I feel complimented.

I learned something new, and it saddened me that we find ourselves in this position. It saddened me.

**Mr Gilles Bisson (Timmins-James Bay):** You created the position.

**Hon Mr Clark:** Your House leader created this position. You can try to spin it any way you want, but the reality has happened. I sat here many times and watched negotiations go back and forth, and all of a sudden everything falls apart because one man gets his knickers in a twist. That one man happens to be the member for Niagara. I'm sorry, but I happen to believe our House leader and the House leader of the loyal opposition, who very clearly stated this thing fell apart and they were ready to go ahead. I would have been happy to debate Bill 77, and I would have been happy to vote for it. But now, no one will ever know how I was going to vote and no one will ever have the opportunity to debate it, because the House leader on that side played a game. Apparently, the game is called horse-trading. I'm still looking for the rules of this game; I haven't found them yet. I understand they're written as the game is played, but I'm learning.

I'm going to support this bill. I think it's a good bill. I think Julia Munro has done an honourable and passionate



thing by bringing forward a bill that will protect dogs and cats. My kids are pleased that I'm supporting this bill, and the House leader is pleased that I'm supporting this bill.

On that note, I'm pleased to have the opportunity to move the question.

**Ms Shelley Martel (Nickel Belt):** Point of order.

**The Deputy Speaker (Mr Bert Johnson):** Mr Clark has moved that the question be now put.

*Interjection.*

**The Deputy Speaker:** There are two of us standing. One of us is out of order, and it's not me.

*Interjections.*

**The Deputy Speaker:** Order. Mr Clark has moved that the question now be put.

*Interjection.*

**The Deputy Speaker:** The member for Timmins-James Bay will please take his seat.

I'm taking a 10-minute recess.

*The House recessed from 2105 to 2120.*

**The Deputy Speaker:** Thank you for that little bit of time. We will continue debate.

I just wanted to mention to the member for Timmins-James Bay that the kind of conduct we have witnessed is not acceptable. The Chair requires the dignity and respect of all members all of the time.

**Mr Bisson:** On a point of order, Mr Speaker: First of all, I want to offer you and other members of the House my apology. I got a little bit over the top in regard to not being heard on a point of order. I want to apologize for the tone. I respect the Chair, I respect you as an individual, and I was a little bit over the top.

**Mr Caplan:** On a point of order, Mr Speaker: Just so I could have some understanding about the rules and procedures in this House, I seek your advice. The member for Stoney Creek moved that the question be put. What is the threshold on third reading debate for the amount of time that is required in order for that question to be in order? I think that's very germane to the proceedings that have taken place in the House.

As I understand it, on Bill 30, which was dealt with yesterday, it was six hours. Prior to that, the precedents had been about 12 or 13 hours on third reading debate. I'd like your advice, Mr Speaker, if you could advise this House. What are the precedents that guide us in matters of this nature?

**The Deputy Speaker:** Thank you. That is not a point of order.

Further debate? The Chair recognizes the member for Don Valley East.

**Mr Caplan:** It's a pleasure to enter into this debate. I do think that private members' bills are important, that they ought to be debated in this House. On second reading, it is a mere one hour that members have to come to this place, sent by their constituents, to debate very important items.

I myself have brought several private member's bills. I brought Bill 37, An Act to create affordable housing. I know that I'm not unique and that all members in this

assembly have done so. They should be treated with the respect and seriousness they require, because these are important matters.

We're sent here by constituents to put forward ideas, to make good laws. One hour on second reading during private members' hour, Thursday mornings each week here in the House, is certainly not a considerable amount of time. There is a committee process that studies various private members' bills.

I would say, in reviewing the Orders and Notices paper, there are some 227 bills which have been dealt with by the House. Almost 60% are in fact private members' bills, items brought forward by members of this assembly on matters of primary importance to the constituents they represent. If that's not why we're sent here, I don't know what is; to talk about matters, to debate matters, to pass good laws. I'm pleased that we're having these kinds of debates.

I say that with some regret, because the only third reading debates and votes we've had have been on those which the government has been willing to call, and so far that's been only on government member private members' bills. It's unfair if members, representing their constituents, do not have an equal opportunity to have their bills heard—and it may go yea or nay. I'm not saying they should all be supported, but at least members of this assembly ought to have the opportunity to have their say.

I for one would be happy to sit next week or the week after or the month after and go through these bills and have reasoned debate, or reserve some time during the legislative calendar to do so. I think that would be entirely appropriate. I hope the members will consider that, because at this point, I wish to move adjournment of the debate.

**The Deputy Speaker:** Mr Caplan has moved adjournment of the debate. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 2125 to 2155.*

**The Speaker (Hon Gary Carr):** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 11; the nays are 30.

**The Speaker:** I declare the motion defeated.

**Hon Mr Baird:** On a point of order, Mr Speaker: Last night a member of the official opposition made some regrettable comments and withdrew them in a very classy way. One of the members from the third party did the same thing earlier. But the member for Beaches-East York made some very, very unfortunate comments. I know he'll want to withdraw them.

**The Speaker:** Members can do that at any time. I wasn't here and didn't hear it, but I'm sure all members will—

*Interjections.*

**The Speaker:** OK, folks. The temperature's up a little bit. Let's relax, please.

The member for Don Valley East, resuming the debate.

**Mr Caplan:** Like I was saying, I do think it's important that we have full debate of private members' bills. I think we should have a fair discussion of all the private members' bills that sit on the order paper. I would be very happy if the government House leader, if members of this assembly, would call us back next week, next month, and we could go through and have second and third reading debate of the private members' bills. I think they're critically important. We're here tonight to talk about—

*Interjections.*

**The Speaker:** Member, take your seat. We need to have a little more calm. We need to be able to hear the debates going on. Tempers are up. I would ask all members to please respect each other. The member for Don Valley East, will you continue, please.

2200

**Mr Caplan:** We're here to talk about Bill 129, a bill standing in the name of Ms Munro, from York North. It's important to cover some of the background of the bill. Back about a year or a year and a half ago, there were some very major headlines in newspapers: "Renewed Call for Animal Laws"; "Pet Laws Need Far More Bite"; "Second Puppy Mill Prompts New Calls for Harsher Penalties". What had happened was that up in Vaughan, just north of the city of Toronto, over the last 36 years a couple who were there breeding puppies had 340 animals removed from their care. Members remember that story. These animals were neglected, had been abused—untold horrors were going on there. There was a need to bring in legislation to have more power for the Ontario Society for the Prevention of Cruelty to Animals to protect these animals from this kind of inhumane treatment.

What is a puppy mill? They are multi-million dollar businesses here in Canada. They are breeding operations where dogs and other companion animals are abused and bred in unsanitary, inhumane conditions. The health and welfare of companion animals are disregarded and profit is the only motive. Puppy mill operators have little or no regard for the welfare of the animals they breed.

Reportedly, in one of the newspaper reports, some 90% of pet store puppies are from mass-production puppy farming. Conditions there are considered a cost saving only, with no attention to the puppies' immediate needs to be properly fed, for cleanliness or for medical attention. Poor breeding activities and unsanitary conditions lead to infections and parasites prior to the arrival from the breeding farm to the store, where unsuspecting moms and dads and loved ones buy them. When a puppy is raised in these kinds of adverse conditions, in many cases it leads to a much greater lifetime problem. Improper breeding and inadequate socialization leads to whole host of physical and behavioural problems, exacerbated by an unsuspecting owner who struggles with a mistreated animal.

What is in place to govern animal rights protection? In Ontario, animal protection is related by standards set down by the Ontario Society for the Prevention of Cruelty to Animals Act. Unfortunately, this act has been outdated. Federally, animal protection falls under the Criminal Code of Canada. In 2000, the federal justice minister introduced Bill C-15, which included amendments to the Criminal Code of Canada to change the current threshold under which cruelty to animals is punishable by fines up to \$2,000 and/or six months in jail. That law, as I am aware, has not passed. Sentences for violation would increase to a maximum of five years in jail and there would be no limit set on the fines which could be imposed by judges.

In Ontario—and this is what's very interesting—there is no regulation, with no standards and no inspection. Therefore, the Ontario Society for the Prevention of Cruelty to Animals cannot act until a tragedy has occurred, until it's too late. Furthermore, the OSPCA has no way of punishing the offenders other than removing the animals from the owner, so the damage can be done and all we can do is remove the animals from their care. Similar laws against animal cruelty do exist in other provinces. However, with the exception of Manitoba, animal cruelty laws are weak and outdated, as they are in Ontario.

So what do we need to do? Well, it's very simple. My colleague Mike Colle, the member from Eglinton-Lawrence, proposed several changes that would shut down puppy mills and give the OSPCA greater powers to inspect and regulate animal breeding for the purpose of commercial sale. These kinds of changes that my colleague proposed would regulate a multi-million dollar industry and would complement the proposed federal legislation. Together, they would outlaw the existence of puppy mills and punish animal cruelty in general.

That bill would have established a provincial registry and licensed all pet breeders and kennels. It would allow full inspection of breeders and kennel operators by the OSPCA, a right they do not have today. It would have made it a provincial offence to operate a puppy mill, with fines of up to \$50,000 and/or jail time. It would impose a lifetime ban on those individuals convicted of operating puppy mills, and I think this is especially important. For somebody who has done this and is a repeat offender, a lifetime ban is a reasonable kind of proposition. It would allow the OSPCA to impose fines on pet stores that knowingly buy or sell puppies from these puppy mills, because it's not just a question of regulating the behaviour of the people who breed but of the people who purchase the puppies from the puppy mills.

We need a strong provincial law, and my colleague Mike Colle brought in such a bill back in October 2001. It was Bill 100, the Puppy Mill Ban and Animal Cruelty Prevention Act. That was not acceptable to the government. Unfortunately, the government doesn't see this as very much of a priority, despite the fact—and I'm going to get into this a little bit more—that they have had recommendations from the then Solicitor General minis-



try to make these kinds of changes to give some teeth to the legislation the OSPCA is under.

So Mike Colle, to his credit, introduced a second bill, Bill 105, the Animal Cruelty Prevention Act, and it was modelled after the kinds of amendments that the folks of the Ontario Society for the Prevention of Cruelty to Animals brought forward to the ministry of the Solicitor General. It would make it an offence to cause an animal to be in a state of distress. It would make it an offence to train an animal to fight another animal. In fact, we had a media report quite recently that one of the major sports in the Collingwood area has been cockfighting, animals fighting one another for the amusement and entertainment of human beings.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** No.

**Mr Caplan:** Absolutely. The media reported just yesterday on that.

It would introduce standards of care for animal health and welfare, including adequate food.

**Mr Murdoch:** People were coming up from Toronto.

**Mr Caplan:** It was happening in Collingwood, but they were coming from all over. It's wrong. We agree that it's wrong. Well, there is no prohibition in Bill 129 to make this illegal at all, to allow the OSPCA to go in and stop this kind of activity from taking place. Mike Colle's Bill 105 would have done just that.

It would also allow a judge to impose a lifetime ban on puppy mill owners and operators from animal ownership. It would allow OSPCA investigators to act on animal cruelty in a more timely fashion. It would make it an offence not to comply with an OSPCA order or to obstruct OSPCA investigators. It would increase penalties for those found guilty of an offence to a maximum of \$100,000 and/or two years in jail for individuals, and a maximum of \$250,000 for corporations. It would allow judges to issue tele-warrants to inspectors for expeditious investigation and rescue. Most importantly, Bill 105 is supported by the OSPCA. Over 230 Ontarians signed petitions supporting these amendments.

We have Bill 129 in front of us today. What does Bill 129 do? It was introduced after Mike Colle's two efforts to bring this measure to public attention, to this House for debate and a vote. It applies only to dogs and cats raised by breeders. There are only fines for people who violate this provision. It allows for tele-warrants.

Bill 129 has been rejected by the OSPCA. Unfortunately, what's missing is the fact that it is only restricted to dogs and cats that are bred for sale. It excludes all other animals, like horses and birds, bred for commercial sale. Animals in distress, like Holly, the dog who was dragged by a car last year—you might remember that—would not be protected by this bill. The mutilation of cats and dogs and all other animals again is not covered in the bill. Animal fighting is still allowed under this proposed legislation. There is no new power for inspectors and they can be obstructed without penalty. There is no licensing for breeders in this bill. Anyone can breed animals in their backyard or basement without inspection or licensing.

In the spring of 2002, the government was set to introduce a comprehensive animal protection bill. The details were contained in a draft document approved by a cabinet committee on justice and intergovernmental policy. The proposed legislation would have included the amendment that the OSPCA had asked for. Ernie Eves, the Premier, and Bob Runciman, the Minister of Public Safety and Security, after a concentrated lobby effort by the puppy mill industry, suddenly withdrew the proposed legislation. Why? Because unfortunately the government is in the pocket of a very special interest and they are not willing to see real teeth in a law that would protect animals. That's a shame.

In September, earlier this year, there was a leaked cabinet document showing that the Premier and Minister Runciman had abandoned comprehensive legislation in favour of a soft, PR kind of approach and decided to put forth Julia Munro's Bill 129, which was rejected by the OSPCA and supported only by the puppy mill industry and their supporters.

**2210**

The purpose of the various bills ought to be to strengthen the OSPCA. In fact, I have several letters that have been received by the OSPCA calling on the government to bring in strong measures. It's the kind of legislation that we really should be dealing with, not this piece of fluff currently before us. I'm really surprised that a measure like Bill 129 is what's in front of us, rather than Bill 105 that was proposed by Mike Colle, the member for Eglinton-Lawrence.

In fact, I would say a number of other private members' bills are on the order paper that rightly should be debated. That doesn't mean they have to be supported, but they ought to be brought for debate and discussion and resolution—private members' bills which have been introduced by government, opposition or third party members. Those are the kinds of things which need to happen.

I seem to have a lot of people handing me papers today.

**Mrs Margaret Marland (Mississauga South):** It makes you look very important.

**Mr Caplan:** It does, I guess.

I've got to say that what is going on here is amazing. The government is deciding, unfortunately, that only ideas that come from government members are worthy of any kind of consideration, any kind of debate, any kind of a vote in this House. I think that's wrong.

I have several bills on the order paper: bills dealing with affordable housing; bills dealing with the regulation of cellphones, pagers and wireless communication devices in schools; bills dealing with the protection of water and the ownership of water in public hands. I would very much like to see these bills debated in this House. I would very much like to see these bills have some resolution, a vote. What is the government afraid of? Why can't members of this assembly have bills, for which their constituents have them come to this assembly, voted on?

*Interjections.*

**Mr Caplan:** I hear members opposite nattering away, because they know this is the truth. They know that the only bills worthy of consideration, in their opinion, are government bills. I don't happen to believe that. I happen to believe that all members in this House have something to offer, obviously, since the people in their ridings have decided to vote for and support them. Every member brings something very special, a special perspective, into this House. I for one would very much like to see private members have the ability to have their constituents' wishes debated and voted on, to have real democracy in this Parliament.

I'm surprised that government members are the only ones who feel they have this right. That's wrong. It could be quite different. Unfortunately, that's not a view held by everybody else.

I can tell you that on this side of the House—and I don't think we're going to be here very long—we're committed to seeing some changes in the way this place works. We're committed to seeing that private members in this place have some ability to represent the views of their constituents. I want to say to the people of Ontario that this will change. In fact, it can't come too soon, because in my opinion this place is largely dysfunctional. It is about time we felt a breath of fresh air come through here. I'm looking forward to having the opportunity to—

**The Speaker:** The member's time is up.

**Mr Bisson:** On a point of order, Mr Speaker: I want to draw to your attention something I find most serious. It has been confirmed to me by two members of this House, Mr Murdoch and Mr Bradley, that the government House leader has threatened the Liberals with cutting their caucus budget on the basis of him not bringing—

**The Speaker:** Order. Take your seat. That's not a point of order.

Further debate?

**Ms Martel:** Here we are tonight debating Bill 129, which has been put forward by a private member. We as New Democrats are opposed. The Ontario SPCA is opposed. We are opposed because it doesn't deal with cruelty to other animals. But if you want to talk about cruelty—

*Interjections.*

**The Speaker:** Come to order, Minister of Energy. We're not going to continue with this. Sorry for the interruption, member for Nickel Belt.

**Ms Martel:** If you want to talk about cruelty—the member who is the mover of this bill mentioned that word a couple of times tonight this Conservative government knows all about cruelty, because they practise it every day. I want to deal first with this government's cruelty with respect to the clawback of the national children's benefit from Ontario families who are on social assistance. Think about this when you want to think about cruelty. The federal government's response to a 1989 NDP resolution to eradicate child poverty by the year 2000 was to give a benefit to the poorest Canadian families to try to get them out of poverty. It's worth pointing out that in 1989, child poverty affected one in 10

Canadian children. In the year 2000, child poverty hadn't been eradicated. Now we have one in five Canadian children living in poverty in this province.

**The Speaker:** I hate to interrupt the member, but we are speaking to Bill 129. I'm going to insist that you speak on that bill. If not, I will take into consideration, when it comes time for closure, whether you are speaking to the bill. I will be interrupting you every minute if you deviate from that topic. We are going to start to stick to the topic of the bill. If you start to wander, I'm going to get up and interrupt you and take as much time as it takes to do that. I'd ask co-operation from all members to stick to the topic we are doing.

**Ms Martel:** The member last night spoke a great deal about cruelty, and I agree with her: there's lots of cruelty being practised, but it's not just being practised against cats and dogs. We should be here tonight dealing with the cruelty that this government is practising against Ontario children, because that's far more important.

**The Speaker:** Order. I just finished saying that you need to speak to the topic. I will insist on it. I will interrupt you; I will stand up, and the time will tick down and you won't even speak on it, if that's what you want to do. I might add, if you continue to do that, I will name you and throw your entire caucus out. If you would like to do that, the Sergeant at Arms is prepared to do that. We're not going to get into a battle here tonight. You are going to calm down and you are going to behave like professionals in here, or I'm going to throw you all out.

**Mr Tony Martin (Sault Ste Marie):** On a point of order, Mr Speaker: I've been sitting here, minding my own business all night, listening to the debate and participating in the democratic process in this place, as I usually do. I'm just wondering on what basis you would throw the whole caucus out.

**The Speaker:** Based on the fact that we're going to stick to the topic. I've watched the anger go up in here, and it is not going to continue.

**Ms Martel:** If I can't talk about the cruelty this government practises against children, then I'm going to move adjournment of the House.

**The Speaker:** Fine, you can move adjournment of the House.

Ms Martel has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 2219 to 2249.*

**The Speaker:** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 9; the nays are 30.

**The Speaker:** I declare the motion lost.

**Mr Michael Prue (Beaches-East York):** On a point of order, Mr Speaker: I wish to stand to apologize to the members opposite. I'm not trying to cover it in any way.



I honestly did not understand what umbrage was taken, but I thank the members from Bruce-Grey-Owen Sound and Mississauga Centre for explaining to me why my remarks may have been reacted to in the way they were. If I have offended anyone, I humbly apologize.

**The Speaker:** I thank the member for the honourable gesture.

**Hon Mr Clark:** I want to thank the honourable members from Beaches-East York and Timmins-James Bay for apologizing for their comments earlier. They were unfortunate and I think they simply got carried away.

**The Speaker:** I thank the members for their help.

**Hon Mr Stockwell:** On a point of order, Speaker: If I've said anything to anyone that they take offence to, I apologize.

**Ms Churley:** On a point of order, Speaker: It's been a rather horrible evening here, and perhaps everybody should apologize to everybody. I would ask for unanimous consent to call third reading for Bill 77, the adoption disclosure act.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

The member for Nickel Belt had the floor.

**Ms Martel:** Speaker, before I begin my remarks, just to get it on the record, I'm going to also ask for unanimous consent for Bill 77, the adoption disclosure bill, to be called for third reading.

**The Speaker:** We just did it. We need a little bit more time.

**Ms Martel:** In the time I have, let me tell you why we're not going to be supporting this bill: because it's so weak-kneed and so ridiculous that it's going to do absolutely nothing to shut down those breeders who breed animals in situations that are inhumane and filthy and who treat their animals with a great deal of cruelty as well. It's really sad that the member for York North would purport to put forward a bill that's actually going to do something to protect cats and dogs when in fact the absolute opposite is true. This is going to continue to give those folks out there who run puppy mills and make lots of money off the breeding of puppies free rein to continue with the abuse and inhumanity they've practised against those animals. It's a sad state of affairs that we're spending any time this evening debating a bill that is so weak, so offensive and so ridiculous and that will do absolutely nothing to deal with what really is a very serious problem with respect to cruelty to animals.

Let me deal first with the concerns that have been raised with the government, especially during the committee, by the Ontario Society for the Prevention of Cruelty to Animals. It's interesting that the member for York North would try to tell people that this bill is somehow going to be helpful and that it has the support or endorsement of the humane society when the opposite is true. It's worth pointing out and having it on record again that the Ontario Society for the Prevention of Cruelty to Animals has said that this bill, if passed, is going to do

more harm than good with respect to dealing with those people who would perpetrate cruelty on animals.

In fact, if you go to the press release that the society put out publicly on March 13 under the name of their CEO, Vicky Earle, it says, "They," meaning the government, "have ignored these amendments that have been sitting on their desk since June 2001, and instead they," meaning government members, "have rallied behind Julia Munro's private member's bill, which is so problematic that the Ontario SPCA cannot support it."

Well, it can't be clearer than that. That says it all in terms of what the society says about this bill. Don't forget, the society's business is prevention of cruelty to animals. If any organization should know anything about what needs to be done to deal with cruelty to animals, the humane society is it, in my humble opinion. When the humane society says this ain't worth the paper it's printed on, then it probably isn't. That's a good enough reason for me to oppose it, and it's a good enough reason for my caucus to oppose.

I'm going to put on the record as well the many amendments that came before the committee when the bill was being discussed that would have, in the eyes of the humane society, actually made it a bill worth supporting. It's also really important to point out to you and to the people who are watching that every single one of those amendments was voted down by the Conservatives, voted down by the member who comes in here and tries to pretend that she cares so much about animals and dealing with cruelty to animals. Her government—herself, her friends—voted down every single amendment put forward by the SPCA to actually make it a bill that might be worth supporting. What are those amendments?

The first one was that the SPCA asked that all animals in a state of distress be treated, not just kittens and puppies, as the member's bill deals with, because of course we know we have horrendous cases of cruelty: people who breed birds that then fight against each other people who allow horses, for example, to undergo serious neglect; and all kinds of dogfighting that goes on in the province as well. We know it's not just an issue of dogs and cats in terms of breeding and what might happen. It's an issue of all animals that need to be protected and where we need to have laws in place to do that. The SPCA was really clear: "Look, if you care at all about animals, if you care at all about supporting us and the work we do, then don't just deal with dogs and cats, deal with all animals. Define that in the bill and put in place the protections necessary to combat cruelty against all animals." Well, Mrs Munro and the Conservatives rejected that amendment.

Second, Mrs Munro and the Conservatives also refused to support an amendment that would have made it possible for a judge to ban puppy mills owners from owning animals for the rest of their lives. It's important to note that the bill speaks about the ability of a court being able to do that, but only in the case of cats and dogs. So only in the case where there has been clear evidence of abuse and cruelty by an owner or someone

working in a puppy mill can they be banned from breeding again or from having puppy mills. But as to those people the SPCA takes to court because of cruelty with respect to other animals, nothing happens to them. Who cares about them? Let them continue to breed birds. Let them continue to allow farm animals to suffer neglect. Who cares? No problem. We'll allow them to keep doing that. The government voted that amendment down.

The government also voted down an amendment that would deal with the sale, through a number of pet stores across the province, of animals coming from puppy mills in the United States, for example. You have this scenario right now that you have all these pet stores that have cats and dogs with nice little bows, all kinds of great animals in the store, especially now, with Christmas on the way, and we have no idea where those animals are coming from. We have no idea if they're being bred in puppy mills in the US, and we're not doing anything about knowing about that in this bill. We've just turned a blind eye to the fact that that is happening and to the fact that every day thousands and thousands of pets that could be bred in mills across this province are being sold to unsuspecting Ontarians. The government refused an amendment that would have started to deal with the sale of these animals from the US, for example, and from puppy mills or whatever kind of mills dealing with animals where there are abuses going on.

The government and Mrs Munro also refused to make it an offence to train animals to fight other animals. Isn't that a sad state of affairs? All across the province, you've got people who train certain breeds of dogs, for example, pit bulls, just for the pleasure of seeing them fight and for people to bet on that. We know that happens in all kinds of dark places across this province, and the SPCA knows that. That's why they brought forward one of their amendments, because they wanted to make sure people couldn't train animals for the purposes of having them fight other animals, with all kinds of serious wounds leading to death etc. Did the government accept that? No, the government didn't accept that. Talk about a government that comes here and tries to pretend that they care about animals and cruelty against animals. That is a reasonable, logical amendment that the government, if it cared at all about this issue, would have accepted. But no, the government and Mrs Munro weren't interested in shutting down what goes on across this province, which is people training animals to fight each other, to kill each other, which is the most horrendous kind of cruelty there is.

2300

What else did the government reject? The government rejected the notion that you had to have a licence to be a breeder. You've got to have a licence to run a restaurant in this province. You've got to have a licence in most municipalities just to own a cat or a dog. You've got to have a licence to drive a car. You've got to have a licence to do just about anything in the province of Ontario. But can you imagine: if you want to breed animals and sell

them and make all kinds of money off that, and you want to be sure there's no inspection when you do that, then you just allow the situation to continue where you don't even have to have a licence.

I don't understand the logic of this. I don't understand why the government wouldn't even take that small step of forcing people in this industry to get a licence, because if people had to get a licence, you'd know where they were operating. You could do some surprise inspections to make sure they might actually be following regulations. You could track them; you could monitor what they were doing. But no. Can you imagine that an amendment like that came forward to the committee and the government voted that down? You don't even have to have a licence if you are a breeder.

What are some of the other problems with this bill that the government refused to address? This is the government, I remind you, that tried during the course of the debate to tell us how much they cared about cruelty and how this bill was going to do something to address cruelty.

Well, there's another concern. If you have an animal that you think has possibly been the product of a puppy mill, you have nowhere to go to complain about that. You can't take your concern anywhere. If you look in the paper, you see ads every day for people selling all kinds of animals. I think a lot of people respond to those ads in the paper and go and buy those animals. They get hold of an animal, see very serious signs of neglect, signs of cruelty, are worried about that, are concerned about that, and they hear some rumours about where that animal may have come from. Maybe it was bred under horrendous conditions—sold for a lot of money but bred under horrendous conditions. You've got nowhere to go to complain about that. You can't go to the Ministry of Consumer and Business Services. They don't have to have a licence, so I guess you can't go and complain to them, can you? You can't do anything, can you? You can't make any kind of complaint. You can't do anything to get the authorities to deal with that.

You can go to the SPCA. Thank God at least the SPCA is interested in doing something about this issue, because the government sure isn't. But we all know that the SPCA is grossly underresourced, and as a result is grossly understaffed. We know that. We see appeals on television, especially by the Toronto Humane Society, all the time encouraging people to adopt a pet, to give money so that their officers can go out and try to deal with some of the concerns that are raised.

There should be a formal process in place where you can go and raise a complaint, where you can have it inspected and dealt with, and that shouldn't have to depend on whether or not the SPCA has the money that day to have someone go out and investigate. If the government really took this issue seriously, the government itself would be ensuring there were some staff in place so that the government of Ontario assumed some responsibility for dealing with cruelty to animals and didn't just leave that to the goodwill of the SPCA and their ability to



do that if they have money on that particular day because they got enough donations the night before from the televised campaign, the direct-ask campaign that was going on. But no. The government didn't want to deal with that particular concern either.

What else, Speaker? What's interesting, of course, is that the government actually had some discussions at the cabinet level about what needed to be done with respect to protection of animals. It's interesting that the cabinet committee on justice and intergovernmental policy recommended that cabinet approve legislative amendments—government amendments, not backbench amendments—that essentially responded to the amendments that had been given to the government by the Ontario Society for the Prevention of Cruelty to Animals.

It's interesting that those amendments that the cabinet committee reviewed would have created a system of provincial offences for those folks who are engaged in cruelty to animals, so that failure to comply with duties of ownership, owner or person having custody, care or control of an animal causing or permitting an animal to continue to be in a state of distress would have suffered a provincial offence. They would have been doing a little bit of time maybe, if it could be shown very clearly that in fact they were engaged in cruelty to animals.

Another thing that the cabinet document talked about was really ensuring that a property owner suspected of running a puppy mill or suspected of continuing activities that were cruel to animals could not obstruct an inspector or an agent in the discharge of their duties or exercise of powers under the OSPCA Act and its regulations, and if they did that, the failure to comply would result in a fine.

Also, it's interesting to note that the cabinet documents and cabinet recommendations also were that it should be an offence for people who engage in the practice of training an animal to fight another animal—not just a fine, but an offence, which would really do something about shutting some of these people down. But do you know what? Did the government come forward with any of the amendments? No. Are the amendments appearing in the private member's bill? No. The sad part is that the amendments were moved at committee in hopes that they would be added to the bill. Were they accepted by the government, Mrs Munro? No.

So it's just a little hard to take to hear the member come forward and say how she is so concerned about cruelty to animals, and then didn't accept one single amendment that came forward from the Ontario humane society. I think that says it all; it's pretty clear to me that this bill is all show, a lot of show, and no opportunity for enforcement, because there really isn't any half decent law in place that's really going to deal with the pervasive problem of people's cruelty to animals. There's nothing in the bill that's going to do that. It's a sham. It's a lot of window dressing, a lot of public relations. Maybe she's going to get some good news about it back home, but it's not going to change a thing in terms of cracking down on those thousands and thousands of people who, every day, submit animals to just horrendous treatment, neglect and abuse.

On that note I would move adjournment of the debate.

**The Speaker:** Ms Martel has moved the adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour will please say aye.

All those opposed will please say nay.

In my opinion the nays have it.

Call in the members. This is a 30-minute bell.

*The division bells rang from 2307 to 2337.*

**The Speaker:** All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Deputy Clerk:** The ayes are 10; the nays are 29.

**The Speaker:** I declare the motion lost.

Further debate?

**Hon Mr Young:** I do appreciate having an opportunity to address this very important bill. I appreciate that it is late in the day, but I did want to take a few minutes to reference a press release that came to my attention earlier this day, a press release that was issued by the Ontario Society for the Prevention of Cruelty to Animals. They said of this bill the following: "We appreciate Julia Munro's support on the puppy mill issue." Later, it goes on to say, "We welcome any steps that will better protect abused and neglected animals in Ontario."

I think some of the honourable members may have referenced a similar release or statements from the very same organization, and I would suggest to you that they were less than clear. I know that they certainly didn't mean to mislead or leave the House with any false impression, so I certainly appreciate having an opportunity to set the record straight. Clearly, the Ontario Society for the Prevention of Cruelty to Animals supports the efforts of the member from York North, as do I. This is a bill that has been brought forward by an individual who sincerely believes that she can make a difference, and indeed is making a difference, by this initiative. I support the member from York North, as do many of my colleagues. I suspect every member of this Legislative Assembly will stand and speak up for those animals, those creatures on this earth, who cannot speak for themselves.

*Interjection.*

**Hon Mr Young:** Quite so. The House leader quite correctly identifies that it is an obligation that we have to stand up and speak for those creatures.

I will say to you that, as an individual who has the privilege of representing the riding of Willowdale, I have received literally hundreds of letters and e-mails from individuals who are concerned about this very issue, who are concerned about cruelty to animals and are asking their elected officials to act. So I am pleased to be here today and to take action to address this very important issue.

I move that the question now be put.

**The Speaker:** The Attorney General has moved that the question be put.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 2342 to 0012.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted  
Baird, John R.  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Coburn, Brian  
Cunningham, Dianne  
Dunlop, Garfield  
Elliott, Brenda  
Flaherty, Jim

Galt, Doug  
Hardeman, Ernie  
Hastings, John  
Johns, Helen  
Johnson, Bert  
Klees, Frank  
Marland, Margaret  
Martiniuk, Gerry  
McDonald, AL  
Munro, Julia

Murdoch, Bill  
O'Toole, John  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Wettlaufer, Wayne  
Wood, Bob  
Young, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles  
Bradley, James J.  
Christopherson, David

Churley, Marilyn  
Martel, Shelley  
Martin, Tony

Prue, Michael  
Ruprecht, Tony

**Deputy Clerk:** The ayes are 30; the nays are 8.

**The Speaker:** I declare the motion carried.

Mrs Munro has moved third reading of Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Pursuant to standing order 28(h), there has been a request that the vote on Bill 129 be deferred until December 12, 2002.

It now being past 12 o'clock, this House stands adjourned until 10 o'clock tomorrow morning.

*The House adjourned at 0015.*



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Nickel Belt	Martel, Shelley (ND)	Stoney Creek	<b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Legislative Assembly of Ontario

Third Session, 37<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 12 December 2002

Jeudi 12 décembre 2002



Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 12 December 2002

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 12 décembre 2002

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### WASTE MANAGEMENT GESTIONS DES DÉCHETS

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):**

It's a pleasure for me to rise in the House this morning to move the following motion:

Let it be resolved that the province of Ontario must employ cost-effective modern technology which is presently available as a progressive process to manage and dispose of waste. Furthermore, a more aggressive objective than the present goal of 50% be established to divert waste away from landfill sites must become the new criteria and goal.

**The Acting Speaker (Mr Michael A. Brown):** The member has 10 minutes for his presentation.

**Mr Beaubien:** It certainly is a pleasure this morning to rise on behalf of the constituents of Lambton-Kent-Middlesex to raise the issue of landfill in our waste streams in the province of Ontario.

Why do I raise this particular issue? First of all, the Lambton part of my riding probably has more landfill sites per capita than anywhere else in the province of Ontario. There's a reason for that. The soil conditions in that part of the county, certainly in Kent and part of Middlesex, is very conducive to having landfill sites.

However, having said that, I don't think anybody wishes to have a landfill site in their backyard. But we have to come to the reality that we do create an awful lot of waste. We're certainly the leaders in the world, as a nation, when it comes to the creation of waste.

To simply landfill waste today is no longer acceptable. I say that because landfilling is archaic technology. Our forefathers used that method of disposing of their waste. They were burning it and they were burying it, and we're still doing the same thing. One reason we're still doing that is probably because it's cost-effective. However, as a province, as a nation, as responsible citizens, we have to look at what kind of legacy we're going to leave our children.

I don't want to make this an urban-rural problem, but there is no doubt that a lot of the waste is generated in

urban areas and shipped to rural areas to be landfilled. Let me say that many small rural communities, including First Nations, would be more than willing to accept the waste, but not to simply landfill it. I think we have to look at a better recycling process, better composting and, like I said in the resolution, using modern technology.

If we go back a number of years, 10 or 15 years ago we initiated the blue box program in the province of Ontario. I think it's a fuzzy-peachy way of making people aware that we should reduce our waste stream. But I don't know if you've had the opportunity lately to watch when you have one garbage truck coming down the road and then, coming in the other direction, you have a recycling truck. It's somewhat irresponsible to have two large polluting vehicles coming down the street to pick up your waste. And many, many of the recyclables—I've seen it with my own eyes in the past six months—simply go into the garbage portion of the recycling truck. I would imagine the reason that happens is because there may not be a market for the cardboard or paper or glass or whatever it is.

Consequently, we have to look at how we are going to proceed in handling our waste. We can make this a political issue, but I see that the member from Sarnia-Lambton yesterday finally realized that there is an Environmental Protection Act. If you're going to change anything in the way we deal with our waste stream, at times you may have to amend the act or the regulations, whatever the case may be. There is a process, for instance: "Guide for Applying for Approval of Waste Disposal Sites." It's a lengthy process.

One of my small communities right now, Watford, is undergoing an application where one of the local waste companies is applying to expand the waste site. I had the opportunity to attend an open house a couple of weeks ago; sometimes I'm concerned, because I think there were 12 to 14 local residents at the meeting. It was not very well attended.

When I talk about waste diversion, I think all levels of government have a responsibility to play: federal, provincial, municipal and certainly the taxpayers. I think we have to start with the packaging industry. We are somewhat over-exuberant sometimes with our packaging requirements, and consequently that creates waste.

I should also say for the record that no municipality should be forced to accept waste. For a landfill site to be expanded or created, the municipality should be a willing host.

I do have some concerns. One of the concerns I have—we talk about pollution. Pollution is a concern, I



would say, to all Ontarians. It's a motherhood issue. But when we have something like 400 garbage trucks leaving the Toronto area on a daily basis to go to Michigan, to go to New York, to go to Lambton, I wonder where the leadership is at the local municipality, namely, the city of Toronto. I had the opportunity to negotiate with them with regard to the sale of a local, municipally owned landfill site 12 years ago, and I dare say that Toronto is not any further along with regard to dealing with their garbage than they were 12 years ago.

1010

**Mr George Smitherman (Toronto Centre-Rosedale):** Not true.

**Mr Beaubien:** If it's not true, why are you shipping 400 trucks a day outside the community?

I realize that the member from Sarnia-Lambton is all for closing down the Sarnia-Lambton generating station and putting 400 people out of work. But when we look at the pollution created by the Sarnia-Lambton generating station and the one in Nanticoke, they create 8% of the nitrogen oxide pollution in the province. Yet vehicles that use the 401 corridor create 32% of the nitrogen oxide pollution—four times as much.

With regard to truck traffic, in the town of Petrolia at this point in time we are receiving 90 garbage trucks a day. They're using local roads and disrupting the peaceful residential areas in some small communities. That is a concern, and I know we have to deal with this.

Like I said, there is no problem with dealing with garbage, because garbage is a by-product of our society, but we have to deal with it responsibly. If we were more conscientious with regard to composting, recycling and whatever else, maybe methane digesters, and would bring it to rural Ontario, to a community that is a willing host, we can deal with it in a responsible manner using modern technology and creating jobs in rural Ontario, creating by-products that can be used, as opposed to landfilling. Landfilling is an antiquated way of dealing with our waste stream.

I say we have to be more aggressive than having a goal of 50%. I see that the Liberals, in their recent *Magna Carta*, say we should divert 60% of waste from landfills. I have municipalities in my riding, small municipalities, that are diverting 80% of their waste stream already, so 50% is not adequate and 60% is certainly not adequate when most of the landfilling activity is generated from Toronto and shipped to rural Ontario, and its population is going to go from 2.5 million people to 3.5 million or whatever population maximum we're going to have. That's going to create more traffic. That's going to create more garbage.

That's why it is imperative that as opposed to having goals of 50% and 60%—there's technology in Europe, in Japan, that deals with the waste stream with a maximum of 95% to 98%. There's basically nothing in landfill. It's about time that in Ontario, in Canada, in Toronto, we start dealing with our waste stream in a responsible, cost-effective manner, using modern technology, so we can deal with some of the pollution we are creating.

When we're talking about the Kyoto accord, I think it would be a good plan to make sure that whatever program we embark on with recycling and composting and waste management, it is compatible with the Kyoto accord that is going to become law in the very near future.

**Ms Caroline Di Cocco (Sarnia-Lambton):** I find it interesting that the resolution brought forward by Mr Beaubien, certainly when it comes to the words, sounds absolutely incredible. It appears that Mr Beaubien has obviously had some type of conversion on the way to Damascus when it comes to landfills in this province. I say this because at the beginning of his presentation, Mr Beaubien spoke about not playing politics with this and then proceeded to do just that. I find it a little bit interesting but also a bit disturbing, because I want to also put on the record some issues that are very, very serious about an expansion of a hazardous waste landfill that was expanded in 1997 in a fast-tracked process, and it was fast-tracked under criteria for that company to be able to expand its market share. That's the criteria, not as a problem-solving mechanism.

The reason I find this resolution interesting—I also look at actions, not just words. We can say whatever we want to say to make ourselves look good. That is something that unfortunately happens much, much too often in this political world. But it is the actions that validate what one says. When it comes to the riding Mr Beaubien represented before 1999, the municipality near Brigden, St Clair township now, actually saw an expansion. I understand the member worked for Phillips, I believe, for a period of time, so he certainly has an understanding of the waste industry, if you will.

Unfortunately, the member, as part of the Red Tape Commission, was instrumental in some areas and participated in removing regulations that I believe actually protected the public interest. When it came to the expansion of the now Clean Harbours site, which is now going to be bringing in toxic hazardous waste—we're talking about this diversion of 50% of the waste when in fact for the last four or five years, hazardous waste importation to the province of Ontario, because of the lax regulations, has quadrupled. On one hand we're saying, "We have a good idea. Let's divert waste. We don't want Toronto garbage coming into Lambton county." On the other hand, what we have done is open the doors to toxic hazardous waste from literally around the world into that area. That happened under Mr Beaubien's watch and it happened under this government's watch and continues to do so, yet we do not have any political will to change the regulations to stop this practice.

I do agree with one thing: this practice of expansion of landfills is archaic and should become extinct. It will become extinct if we at least would move forward, as other jurisdictions have done, to do what they call on-site treatment. What does that mean? That means we don't export-import waste but deal with it in the jurisdiction that actually generates the waste.

On the one hand, Mr Beaubien says we have to stop diverting, but on the other hand, he accepts the notion that we can send waste to other jurisdictions. There's a bit of a contradiction there. Nonetheless, the resolution is what I firmly believe in, that we have to stop generating the quantity of waste we do in this province, in the manufacturing sector as well as in our own personal lives.

On this conversion on his way to Damascus—I say this because I have not heard the member from Lambton-Kent-Middlesex speak out strongly on the notion of importation of hazardous waste. He was there when he allowed the expansion, when it was done silently, when it was done quietly. He was part of that silence when the expansion took place so it became the largest toxic hazardous waste in the country.

1020

The rhetoric here is commendable, but the actions speak to something else. I would certainly like to challenge the member from Lambton-Kent-Middlesex to support the stopping of the toxic hazardous waste that's coming in from Sydney, Nova Scotia, some of the most toxic substances in this country that are going to be trucked in from Sydney. I don't see the member from Lambton-Kent-Middlesex speaking out on this issue. His silence is overwhelming.

I would also suggest that the whole issue of environmental degradation that has caused—and I don't buy this notion that Lambton county is the best place to landfill. No place is the best place to landfill, because eventually, according to the contract on the expansion, it says that the long-term consequence is contamination of the groundwater. That's a given. I would suggest that the member from Lambton-Kent-Middlesex put action into the words and also take a stand to advocate for the residents in the area who feel they have become the toxic haven for North America because of an expansion that took place under his watch. Now he states in his resolution that he wants to have this goal of 50% to divert waste from landfill sites, that it must become a new criterion and goal. Again, I commend the member from Lambton-Kent-Middlesex for his conversion on the road to Damascus.

**Mr John Hastings (Etobicoke North):** First of all, I'd like to commend my colleague the deputy from Lambton-Kent-Middlesex for introducing this resolution. To go to the very heart of the matter, we have been discussing this issue for several years, but we don't seem to be making a terrible amount of good progress. Yet if you look outside Ontario, and even within Ontario, there are solutions. What we ought to be focusing on, particularly since the feds have now declared that Kyoto is the promised land of the future—it's incumbent on us as legislators to start finding the practical and sensible solutions for trying to get to that road. You can talk about ratifying the Kyoto solution, but you have to face some practical realities in dealing with garbage in this province or in other parts of Canada. We need to be looking at ways we can accommodate and solve the problem, because it's not getting any better.

As the heart of the resolution Mr Beaubien has suggested, the landfill method, while it may appear great in rural Ontario and the smaller municipalities, and, from the city of Toronto's viewpoint, just exporting garbage down the highway to Michigan, it is not a solution at all. It's the 12th-century, antique solution, I'd say. If that's where we want to stand as a government and the opposition wants to criticize us for that, that's fine, but it doesn't solve the problem.

So what are the solutions to dealing with the problem? Well, it seems to me that we need to look at a new focus, not on compliance and enforcement, which is the usual approach of the Ministry of the Environment of the day, particularly the ministry we have in this government. We need to be seeking out combinations of new capital and new technology to solve the problem.

If you look right in Ontario, we have one good solution, even though we had to put \$11 million into it. Go to the city of Guelph, with its wet-dry separation solution. There is a practical way of helping to solve garbage. Does the city of Guelph have a landfill problem? No, they do not. They have a new facility recycling and recovering materials and selling them back into the community or into other parts of the province.

If you move across the pond to Europe, the European Union now has a directive dealing with this issue.

**Mr Gilles Bisson (Timmins-James Bay):** Not that socialist haven.

**Mr Hastings:** Would you just for one time listen, member for Timmins-James Bay?

**Mr Smitherman:** Take a deep breath.

**Mr Hastings:** Thanks, member for Toronto Centre-Rosedale.

**The Acting Speaker:** Order. The member for Etobicoke North has the floor. He is the only member who has the floor.

**Mr Hastings:** If the members across the way don't want to hear the solution, they can continue to be captives of their own rhetoric, as they usually are.

We need a solution that is either gasification technology or pyrolysis. Those are two new ways of handling landfill garbage. Where do we find these facilities? Well, of all places, Sweden, Denmark, Germany. Why has Europe moved ahead of us in North America and in Ontario in dealing with this solution? Because they've engaged themselves in trying to find those solutions.

Granted, there are the usual critics of emissions coming from this particular technology. If we go back to the ideological blinkers—we have all have them; I have them as well. All you've got to do is look at—

*Interjections.*

**The Acting Speaker:** Order. The member for Etobicoke North has the floor.

**Mr Hastings:** Very seldom do I speak in this Legislature any more, because it has become not a place of discussion but a place of simply exchanging insults, and I have been involved in those myself. For at least three minutes, could we have a little attention? If you don't



want to hear it, then leave and go have a coffee. That's all I'd say.

Anyway, if you look at the select committee on alternative fuel sources and go through the recommendations, some 43 we've implemented on this side, the government, one of the solutions we left out was the whole waste-to-energy solution: taking all that landfill garbage and utilizing it as a recoverable resource. It was left out because a member of the NDP said, "If you're going to use incineration, it's not going to work, because you still have the emissions of furans and dioxins." Well, let's take a look at what is happening with some of the new technologies, particularly gasification, for those smaller facilities in the European Union. Effective pollution control equipment has nearly reduced it to zero. That's a pretty good record, in my estimation. If you can reduce the emissions that are damaging from a health viewpoint 99%, I'd say it is worth trying on a small scale.

If you don't like that solution, then let's look at the city of Guelph as an example that the city of Toronto needs to start thinking about in terms of a major, major initiative in having better environmental control of all the garbage we are producing in the greater Toronto region. The city of Guelph is one of the ways; it's not the only way.

The problem in this thinking is that the usual attitude is, "We can't do this unless the provincial or federal government comes through with a pile of money to get these facilities going." My proposal, in combination with the thrust and heart of Monsieur Beaubien's resolution, is to tap the private markets, whether it's the venture capital markets or any other way of involving private enterprise, particularly from the financial viewpoint of getting these facilities up and going.

The ongoing maintenance and financial controls can be done through—as in the city of Guelph, if you use that as your model, and it's not the only model available in today's modern technology market—a user fee on the amount of garbage you put out. That is how the city of Guelph, in combination with \$11 million from the province over the last number of years, plus ongoing user fees and the sale of the recoverable materials at the other end, has helped to get this facility up and going and continuing.

### 1030

A lot of people today in this province have a pile of money and they're not quite sure where to put it. They're putting it into Ontario and Canada savings bonds or into some initial offers from companies, but there's also a growing area of income trusts. To me, if we had imagination from the brokerage community and the technology companies, they could create over time a very solid income trust that people would be willing to buy in units on the open market. Why is that a possible solution? Because over time we know we're going to have garbage, despite the best efforts of the packaging industry to reduce some of the packaging—and they have a long way to go, in my estimation, in dealing with this problem. But at least there's a continuous cash flow

distribution back to the investors. These are the kinds of new approaches that, in my estimation, we need to deal with this problem. Otherwise, we end up having the old compliance conflict between rural and urban living, of moving garbage out of large urban areas into rural areas, resulting in ongoing environmental assessments involving the dumping of garbage, which impacts very adversely the land table and the water quality in this province. So we need to break through and have new solutions.

En conclusion, je crois que cette résolution de M. Beaubien indique une grande opportunité pour créer plusieurs nouvelles directions—une nouvelle combinaison qui utilise les finances dans un partenariat avec les compagnies de technologie. On a grand besoin de cette combinaison pour trouver une solution et développer une capacité de réduire les déchets dès l'origine des citoyens de la province de l'Ontario et de la ville de Toronto.

We all talk about Kyoto. Here is an actual means of grasping this very difficult concept, where we have great rhetoric on both sides, and actually moving to try to accommodate the gas emissions to get our garbage down. What we're going to have to do is tap into the financial markets and into the technology, because it's already available. What we need is a working solutions group, in my estimation, of MPPs, députés from all sides in this Legislature, who are interested in a solution, whatever that may be. One can disagree about the technologies, but at least we're moving toward trying to solve this problem once and for all.

What we need is the engagement of the investment community, of private investors. What we need is the involvement of forward-thinking entrepreneurs and less emphasis on compliance and enforcement. That's going to be there forever, as long as you have garbage dumps. But we can do a parallel movement as we go into this 21st century that involves engaging these people to try new pilot projects, whether it's the city of Guelph or the city of Toronto. I would really like to see them develop and engage in a new solution.

What this government also needs to do is to start looking at putting pressure on municipalities, whether it's the city of Toronto or other places, that want to export garbage across the border. While it may be an exportable commodity under NAFTA, to me it's a very dangerous practice, not only from the viewpoint of drivers on the 400-series highways, but also of the wear and tear on our infrastructure.

In my estimation, this is the way to go: some kind of working solutions group to deal with the problem from the political, environmental, technological and financial communities, and move ahead. That's why I strongly support the resolution of the member as he presented it today. I have tried to refrain from getting into who's to blame and who's not to blame. It gets you nowhere. What we need are solutions. That's why I was so perturbed that somebody thinks we can't deal with it in that spirit. For once, let's make an effort. Perhaps we'll fail, but at least we can say we really tried, because at the present moment we are in an impasse, where this whole

approach is going to go on for years, and nothing is getting done. We've got to break through that kind of thinking. We've got to change our attitudes about garbage and work toward new solutions and directions that provide some breakthrough and that get us, 10 years from now, to where we will say, "Yes, this was a starting day." Monsieur Beaubien was the initiator of that new enterprise and initiative. I commend him very much for that, and I hope other members of the House would try to seek a solution in this hour rather than the usual stuff that I have been as guilty of as the rest of us, engaging in rhetoric as you look back. That's why I've refrained from it today. I would hope you'd take a new spirit, a new approach, a new attitude in trying to resolve a very complex problem.

We do need the solutions. We owe it to our younger generations, these folks who are sitting right in front of the Speaker today. Otherwise, they're going to ask in a few years, "Where was this generation in trying to solve a garbage problem?" Where were we? Let's stop this rhetoric. Let's try some new approaches. I don't have all the answers, but we need to start afresh. I hope this would be the day we could do it.

**Mr James J. Bradley (St Catharines):** I appreciate the opportunity to speak on this particular resolution. I like the part of the resolution that talks particularly about waste diversion and what I think are the three Rs: reduction, reuse and recycling. I have a bit of a fear, as perhaps some others in the House do, that somewhere in this, rearing its head, is incineration.

The member for Etobicoke North, who just spoke, was a member of the committee, as I was, and there were a lot of good suggestions that came forward to us. I was pleased to hear him mention some of those suggestions that have in fact been helpful. The committee was very good in looking at a variety of options, but when it came down to it, I think what we looked at as being the hierarchy was first of all reduction. I think everybody mentions, with reasonably good evidence, that there is overpackaging in North America. We tolerate a lot of packaging that many of us would consider to be unnecessary. We recognize in food safety, for instance, and in other circumstances—medicine and so on—that packaging has to be the way it is. But in so many instances a lot of the things we have purchased commercially are well overpackaged, and we could reduce that. That's source reduction. The first thing that we as a society have to do is look at ways to reduce that waste.

**1040**

The second is, how can we possibly reuse some of the products we have out there? I can recall about a dozen years ago, when I was discussing with some people who were pretty progressive in that field then—from Guelph, for instance; that has been mentioned—that there's an opportunity to recycle a lot of wood waste. People laughed at the beginning of that. Take a look today at what's happening at wood waste, how it's being used once again. Even though some of the scrapyards cause us no end of angst because of some of the things that happen

in there, scrap dealers were some of the original waste recyclers, taking metals—particularly steel, but aluminium and other metals—and using them once again. That means we don't have to put it in a landfill or dispose of it some other way. When we talk about waste diversion, when we say "Divert," it should be to divert from a way of disposing of it. That's when we mean: diversion into something that's relatively benign.

One of the things I want to caution members about, because the incineration crowd rears its head every time you get into a crisis of this kind, is that incinerators are not the panacea that many people think they are. I commend to you a letter from Neil J. Carman, PhD, clean air program director, Austin, Texas, to the Ontario Ministry of the Environment and Energy, September 14, 1995. He says:

"Most of the incinerators in our territory experienced mechanical and operational problems which were often linked to human error." He goes on to say, "I am quite skeptical of the ability of incinerators to operate in full and continuous compliance with the most stringent permit requirements. It is technically remote to achieve even 80% continuous compliance." I don't have time to quote all of it, unfortunately, but at the end he says, "Incineration ... of garbage is merely trading one set of manageable problems for another set of more difficult problems."

So I simply want to say that those who hold out incineration as the panacea are, I think, moving in the wrong direction. This is not to say that we shouldn't look at new technologies. Our committee looked at many of those. Our landfill sites already produce gases. We can use that methane gas for producing electricity. Most progressive communities are now capturing that gas and utilizing it. Does that mean we want to continue to have huge landfills? No, but we are making some use of them.

We have to set ambitious goals, in my view. If you don't set ambitious goals, you end up not achieving them. I know there was a goal set that by the year 2000 we were to have 50% reduction—in other words, diversion from landfill or incinerators. Well, that's only about 25%. It's extremely disappointing and not acceptable.

Guelph is a good example. People should look at Guelph, should look at Edmonton and Halifax for these innovations: the wet-dry separation and the composting that goes on. There are a myriad of possibilities out there that we have to pursue if we're going to solve this problem, whether it's home composting or it's the municipality doing the composting. We have suggested that all over Ontario that we should have a 60% diversion rate—all over Ontario. The member says there are some communities that achieve better than that. Good for them. They should be complimented for doing that.

We should look at the alternative fuels report and many of the recommendations that have come from that. I won't get into the detail, but I think that's important. We have wood waste, we have metal waste, we have rubber waste, we have plastic waste, all of which can be converted and used once again or recycled. So we should



be disappointed and in some cases we should be ashamed as a society that we have not achieved a much greater diversion rate, but we shouldn't despair at that, because the initiatives are out there.

The member for Etobicoke North talked about Europe. Europe gives us many examples of how to deal with packaging, how to deal with waste diversion. It really takes the will to do it and it really takes goals that are measurable and goals that are enforced; in this case, it must be by the Ministry of the Environment of Ontario.

I'm a bit worried that the member is steering into incineration. I worry about that, but I do like the part of the resolution that talks about the diversion of waste from landfill and incineration and other ways of disposing.

**Mr Rob Sampson (Mississauga Centre):** On a point of order, Mr Speaker: I'd like to welcome students from the great school of Michael Goetz in the great state of Mississauga who are listening intently to this discussion on landfill. I welcome them here and I know you would want to do so.

**The Acting Speaker:** Of course that is not a point of order, but welcome.

**Ms Marilyn Churley (Toronto-Danforth):** I don't know if I have much of a voice left today. Last night was my third night in a row of being here until after midnight trying to get my private member's bill, Bill 77, passed, which has not happened and will not happen.

I want to say to the member that he hasn't defined in his resolution what he means by "cost-effective, modern technology." There are many out there, but I want to say at the outset that the new word now for "incineration" is "combustible." It's not incineration any more. I remember when I first got involved in the incineration fight, when Mr Bradley was the minister, because the city of Toronto wanted to build a huge garbage incinerator in my riding. I was a private citizen at the time. We had a polluting one there that we wanted to shut down, and they wanted to build a new one.

I remember hearing all the same arguments we're hearing today about the newer technology: "Oh, it's new technology. There are very few emissions and the smoke-stack is really high and it will disperse all over. Don't worry about it. It's good technology." We're hearing the same thing today about these capital-intensive combustion technologies. I don't support them, for a number of reasons, but I'm going to give you the two main ones.

One is that these units are often privately built and operated, and they're financed by a guaranteed throughput agreement. What this actually means is that once the municipality builds one, it has to feed it garbage, so this short-circuits waste reduction efforts. That's been proven. They're also not cost-effective; they're very expensive. If we talk about garbage as also a resource, talk about it in terms of waste diversion instead of just garbage, what this is then all about is that when you get into those kinds of technologies and building those kinds of combustible capital-intensive technologies, you've got to feed it garbage all the time. Then it becomes out of

sight, out of mind, which is the spiral we've been in all these years.

We all know now that landfills are out of the question and that we have to find other ways of dealing with our garbage. The objective is to bring in very solid and very good timelines, with incentives to do more composting and to get rid of so much of the packaging, as they have done in Europe.

The other reason combustion technologies are not a good thing, are the wrong way to go, is that they always produce unstable toxic substances, whether it goes up the stack or not, which it's true, in the new kinds of technology it doesn't in the same way as just throwing it into a big hot fire. The combination of the burning of plastics at very high temperatures under that technology actually created dioxins.

I remember being told at the time, "Don't worry about that. It's such a tiny amount of dioxin and it's so well dispersed that it's nothing to worry about." The pollution abatement equipment within the existing technology would get most of the toxins out. But then what happened was you had fly ash and bottom ash, which was extremely toxic, especially the fly ash, which had to be sent to landfill. We're hearing today from the member for Sarnia-Lambton, and we all know about the problems with hazardous waste in her riding. She makes an issue of it time and time again, as she should.

1050

We have to understand, as we talk about these new combustion technologies, that some of the same problems still exist, so I've outlined them. You've got the problem with taking away the incentive to do all the other things around the three Rs and getting more and more into composting, and the incentive to come up with really good timelines to get these programs up and running, as they have in Europe. That's why they're so much more advanced than we are, because governments there were forced to bring in very strict timelines when they banned incineration, banned landfill. What do you do? I met, as we all did, with some of the environmental industry representatives who were here earlier this week. They made it very clear that that's the kind of incentive they need. They are exporting some of the newer technologies all around the world because they can't get them up and running here. Why are they exporting them all around the world? Because in some areas, some jurisdictions, they have brought in these very tight time frames with the banning or the phasing out of landfill and incineration.

Garbage never just disappears. The idea of throwing it into a hole in the ground or throwing it into some kind of combustion process—you don't have the stuff coming up the stack, but it doesn't disappear. You still have, as I've said, an unstable toxic substance that is created out of that technology and these are landfilled. So we're creating in that process a situation where you have to deal with that residue. It's got to go somewhere, and it ends up going in some hole in the ground.

To get into discussions around moving toward that technology is wrong-headed. What we need to do is what

the city of Toronto did, and contrary to what members in the government today said about Toronto being far behind, the city has recently, after the big fight over the Adams mine, which we will all remember, and I am proud to say I played a very large role, along with Jack Layton and David Miller at city council, and others, David Ramsay from the Liberal caucus—we fought that very hard and we stopped that.

While I'm on that subject, let me say that we've just recently received information, a secret report, a document we've got our hands on, that shows that northern Ontario proponents of the plan—it's not dead yet; they're bringing it back again—to bring garbage from Toronto to the Adams mine have it once again on the table, and the plan this time is to get it out of the hands of government altogether. What they're trying to do, what they're proposing, is to have one of the Smart Growth panels—

*Interjection.*

**Ms Churley:** Excuse me. The mayors and others in northern Ontario have come together because they want the jobs. It's wrong that we're trying to resolve a waste management problem because of the desperate need for jobs up north. That is wrong-headed as well. We need to do some economic development up there that doesn't involve this constant fight to try to get Toronto's garbage to throw in a pristine lake up there. But it has opened up again because they now realize they're not going to be able to get the city of Toronto to agree, so they want the government to mandate a special panel and give them the absolute authority to make this decision. I want to say very clearly that we will not stand for it, that it will not happen, but it's disheartening to those who are very concerned about the environmental aspects of that that it's back on the table. We will fight that.

The government had an opportunity to do some of the things that are before today when it brought in its Bill 90. I worked very hard on that bill, and I made, I believe, about 18 amendments, which were all turned down. I want to make clear to you some of the things in the government's own bill that would have advanced us so far in terms of our timelines here and getting to 100% diversion, which is what we have to get to essentially.

But what they did was, and I made an amendment about this, the bill does not support the composting. This is the government's own Bill 90. It does nothing to support and encourage municipalities to get organics out of the waste stream. Can you believe that? The government brought in a bill to deal with waste management—I prefer to call it waste diversion—and there was nothing in it about composting. We all know that if we don't get the organics out of the waste stream—that is the worst thing that goes into landfill. It's the organics that cause all the leachate and all the environmental problems. We argued ferociously to get something in the bill about waste management on waste diversion, on composting, and they refused to accept that amendment.

Also, the bill that the government brought in also did not put a priority on waste reduction. What else did it not do? Incredibly, as we stand here today to talk about

needing to become more aggressive about how we deal with our waste, Bill 90 did not set waste reduction targets. Can you believe that? In the resolution before us today there is what I believe is still too little, too late. But the government's own bill on waste reduction has nothing about reduction targets. Again, we brought in an amendment to try to deal with that.

There are a number of other amendments I made to improve Bill 90. For instance, there are no incentives in it to reach targets. It allows industry to get away without giving any money. There are no concrete timelines for the money. It actually prevents the implementation of a deposit return system for the LCBO. It allows the newspaper companies to pay their way out of it.

That's what we had. We had an opportunity with Bill 90 as a government bill to make it very, very strong. Every single amendment that was made was turned down.

I do want to say in defence of Toronto, after the attacks from the Tory members today, that the NDP waste reduction target, by the way, is 80%, as stated in our urban vision. That number should be in this resolution today. But the city of Toronto has adopted an aggressive plan for the diversion of waste from landfill. Their targets are aggressive and they're realistic, including 60% diversion from landfill by 2006 and 100% diversion by 2010. I have their plan here. I'm not going to have time to read it all out, but I would request that all the government members who are taking great delight once again in attacking the city of Toronto—they don't live in the city. Many, many people come into this city to work and leave their garbage behind, so it works both ways. Some of our garbage is shipped out, and I agree that it's wrong. We have to find other ways to deal with our garbage. But at the same time, there are lots and lots of people coming into Toronto, leaving their garbage behind. So the reality is we're not dealing with the big problem of people just treating their garbage like garbage and just leaving it behind, wherever they may be.

In the Waste Diversion Task Force 2010 Report from the city of Toronto, summary of recommendations, "A" is source-separated organics. There's a whole section. They made that their biggest priority. They have a good plan as to how to do that and there are projects up and running now. But they also say that they want to "engage the marketplace to provide the required treatment capacity in 2002 to manage the city's source separated organics prior to the commissioning of the city's new Dufferin transfer station anaerobic digestion facility," which is now under construction. They have a take-it-back program, "that \$20,000 be put aside from the 2001 funding available for diversion programs, to help with the administration." It goes on and on about how to set up a program so that industry takes back a lot of the packaging that they are producing.

Again, we have seen that it works in Europe. When you have these aggressive policies in place—again, the environmental industry folks who were here this week said that that's what they need to get their technology up



and running here and what they need to get industry, the producers of the packaging, as they have in Europe, to actually reduce the packaging so that it doesn't have to be sent to landfill in the first place.

They talk about new and emerging technologies, but they're not just talking about these things in a study, with recommendations just in a study; they have an active task force set up to bring these newer technologies around anaerobic digestion to compost. They have a task force up and running to get these things in place. Many of the councillors at city hall agree that trucking the garbage to Michigan is not the answer either. We would all agree with that; it is certainly not the answer. I would just say to the member that I wish his target was more aggressive and that I'm really worried about incineration becoming—

**The Acting Speaker:** Thank you. Response?

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**Mr Beaubien:** I would like to thank the members for their comments, the members from Sarnia-Lambton, Etobicoke North, St Catharines and Toronto-Danforth. I would like to comment on the comments that the member for Sarnia-Lambton made when she said that I had been converted on my way to Damascus. First of all, I don't know where Damascus is and I don't think it's a very safe place to go right now. I would like to put on the record that on Thursday, June 15, 2002, I introduced a very, very similar resolution dealing with landfill. She talks about being converted; I was converted a long time ago.

Here's what the member for Sarnia-Lambton said: "I would like to say that I'm pleased to speak on this resolution. This whole issue of environment and environmental responsibility, it's a culture of responsibility, it's not a culture of blame." I would have to agree with that. She also mentioned about the hazardous landfill site in her riding, which was part of my former riding. I do agree that everybody has concern with this. I'm going to address my comments to the people that may be watching at home. This landfill site has been in place for 40-some-odd years. Fifteen years ago, when I was mayor of the community of Petrolia, when it was under the name of Tricil they tried to expand the incinerator. The town of Petrolia raised some opposition. I would ask the people that have those "Stop the toxic sludge" on your lawns today, where were you 15 years ago?

Furthermore, with the expansion in 1997, when there were four public hearings in the community of Brigden, now the St Clair township, I attended two or three of these meetings. And I say, where were you each and every one of you at that time? That is the question we have to ask. There's no doubt that none of us like to see hazardous waste being landfill in our backyards. However, for the record, that landfill has been there for 40 years.

**The Acting Speaker:** This completes the time allocated for debate on ballot item 75. I will place the questions related to the disposition of this item at 12 o'clock noon.

## FIRST NATIONS MINING AND FORESTRY REVENUES

**Mr Gilles Bisson (Timmins-James Bay):** I move that, in the opinion of this House, the government of Ontario should, in consultation with First Nations communities of northern Ontario and with other levels of government, develop and implement mechanisms whereby those communities can share in the revenues from mining and forestry operations that are conducted in their traditional territories.

**The Acting Speaker (Mr Michael A. Brown):** The member has up to 10 minutes for his presentation.

**Mr Bisson:** I am more than pleased to be here this morning debating this motion. I want to tell members of the assembly, this is somewhat of an historical moment because something of this magnitude has never been tried before. I want to explain to the members where we going with this motion, what it's all about and why we're calling on you to support the First Nations communities of northern Ontario.

First of all by way of background, just so you know, we're fortunate and unfortunate in northern Ontario with the find of the DeBeers mine. Just outside of Attawapiskat, DeBeers has been working on developing a diamond mine for a number of years now. It has been both a blessing and a curse to the community. It has been a blessing in the sense of an economic opportunity, but it has been a bit of a curse in the sense that there are no clear rules about how that community can share in the benefits of that operation if it should become an operating mine. For a number of years, the community has been struggling with trying to negotiate with DeBeers some sort of an equitable arrangement so that whatever benefit comes from the activities of that operation, community members and people generally within the region are able to benefit by what has happened and what could happen with DeBeers.

The problem has always been that First Nations communities are treated very differently under law when it comes to how we share with revenue. Let me put it very simply. I live in the community of Timmins. It's a mining community. Any mine that is developed in our community, there's a very simple process for the municipality to be able to get benefits from the activity of mining. It's called assessment. So when the municipality of Timmins, as all other municipalities, has an activity like that, they are able to charge an assessment through tax and collect that money to develop infrastructure, build sewer and water, develop the needs of the community. The unfortunate reality in the way the federal government has set up reserves is that they've basically given those communities no mechanism by which to share in the economic activity that happens in and around their communities and on their traditional territories. So you have a very inequitable situation. If you were to have a DeBeers set up in Timmins, clearly Timmins would have some mechanism to extract revenue to pay for community services, but because it's up on James Bay and is

in the traditional territories of the First Nations, there's no such mechanism.

So my resolution simply says that we want a process to start, by way of a declaration in this House this morning, so that the provincial government, in consultation with the First Nations communities, develops some sort of mechanism, and whatever that mechanism is will be determined by that process. I don't know if it should be a tax. I don't know if it should be assessment. I don't know if it should be a revenue-sharing formula. That's something that has to be determined through the process. All I want to have started today is that this House says, "We, this House, agree with the concept and want the government to sit down with the First Nations to start the process of discussion so we can develop policy and legislation in this province that treats First Nations communities fairly and in the same manner as other communities in the enjoyment they have in their communities."

I want to say as well that it's a bit of an irony that we're here today, because we know that back in 1977, there was a declaration that was made by the Nishnawbe-Aski Nation, the former Treaty 9. In that was a meeting between the provincial government and the then Treaty 9, which is now Nishnawbe-Aski Nation, that basically called on the provincial government to do a couple of things. I just want to read very quickly what it called for. It said, "Our custodian role must remain with us. It is our sacred duty"—as First Nations—"to pass it on to our unborn children. We do not accept the illegal seizure of our lands by the Europeans." It went on to ask that the government become involved in their right to develop their individual communities. What they called for by way of the declaration back in 1977 was to get the province, a signatory to Treaty 9 and Treaty 3 and others, to sit down with the First Nations communities so we can figure out how we can make sure the communities can get the tools they need to share in projects that happen in and around their community and to make sure they have the ability to share in what happens when it comes to economic activity.

Here we are a number of years later, and not one step has been taken since that declaration. I've got to say one thing I've learned from dealing with my friends the Mushkegowuk Cree and others: man, you guys are patient, really patient. If it was the city of Timmins or the town of Hearst or the city of Toronto that had to face what your people are going through, I don't know what would happen, but I can tell they would not be as patient as the Mushkegowuk Cree and other First Nations people in this province. I say to the government, patience only goes so far. We need to make sure we're able to take this motion forward so we can start that process.

I also want to say in passing that the problem we have in our communities is that the funding formulas set up by the federal and provincial governments to fund communities, in my view and I think in the view of my friends from the Mushkegowuk Cree, are just enough to allow the communities to fail. We never give our com-

munities enough money to allow them to do what we take for granted in our communities. We never get enough for housing.

I look at communities like Kashechewan. My good friend Leo Friday, chief of Kashechewan, is here. I look at people like—well, I'm not going to go through all the names because I'd run out of time. I'll just use Kashechewan as the backdrop. Here you have a community where there's a desperate need for housing, a desperate need to provide much-needed services that we consider to be basic in our communities. The federal government transfers just enough money so you can't make it. It puts the community in the position of failure. They don't give you enough money to do what you need to do. As a result, it just sets things up to fail.

What the First Nations communities are saying is, "If you're not going to fund us with proper funding formulas, what we really want, in the end, is our own ability to do what everybody else does, and that is to share in the resources and activities happening in our traditional territories." We, as New Democrats, and I hope all the members of the assembly, believe in the basic concept that we need to treat our First Nations people fairly.

**1110**

I want to relate also, in the few minutes I've got left, a story that was told by my good friend Leo Friday yesterday in a meeting we had with Minister Elliott, the Minister of Community, Family and Children's Services. He related to our assembled gathering a very powerful presentation that gave the story about how in his community, unfortunately, as in many other First Nations communities, there is extremely high unemployment, as much as 90%. People are forced, because of the situation that has been imposed on them, to live in a cycle of welfare. What adds insult to injury is that the welfare is not even enough to survive. The rules, in the way they're set up and the way the money is sent out, is forcing people to make decisions about not paying a hydro bill, not buying food or not paying their rent. It puts the whole community in a situation of extreme hardship. I thought the presentation that Chief Friday made yesterday was to the point.

I hope the government understands that we also have a responsibility beyond just what my motion is today to look at what levers we have within the province to deal with the needs of the First Nations community.

We have a very different history in the province of Ontario. We are the only provincial jurisdiction to have signed treaties with First Nations communities. We signed Treaty 9 back in 1905 and amended it in 1929-30. We are only province across Canada to have been signatories to the treaties. The problem we have is that, as a province, we've never figured out what that means, because when the treaties were signed the powers the province had were somewhat different. As we assumed responsibility for various activities such as resource development, the province has never been an active participant in figuring out what their responsibility is as a signatory to the actual treaties. This motion, in my view,



will assist us as a province to determine what our role and responsibilities are as a signatory of that treaty.

I just want to say to the members in the House in the minute that I have left that I hope we're able to count on your support. The motion is a very simple motion.

The Mushkegowuk Cree are here today. We have chiefs, deputy chiefs and various people from all the communities of the Mushkegowuk council: Teresa Hall from Attawapiskat, the chief who negotiated the DeBeers agreement; we have with us Leo Friday from Kashewewan, chief of Kashewewan; we have Moose Factory represented by both deputy chief and chief, Norm Hardisty and Charlie Cheechoo; we have the grand chief of Mushkegowuk council with us today, Mr Ernest Beck; we have with us as well representatives from the communities of Fort Albany and other communities within the Mushkegowuk Cree.

They're asking you here today to support this motion so we can start the process of giving them the ability to become full partners in this province when it comes to economic development opportunities on their traditional territories. It's a simple motion. It's calling on a process so they are able to find a way, with our provincial government, to determine how they can best share in the economic activities on their traditional territories.

**Mr R. Gary Stewart (Peterborough):** I am pleased to rise today to address the private member's business put forward by the member for Timmins-James Bay.

I appreciate the member's interest in the welfare of Ontario's First Nations. Our government does not support the concept of sharing government revenues derived from forest management with First Nations communities. However, I believe that our government has made every effort to ensure that aboriginal people share in the benefits of resource development.

I specifically want to address forest management on crown lands and the many ways in which our government has worked to ensure that First Nation communities are involved in and benefiting from forest management.

First of all, let me provide a bit of background. In order for the Ministry of Natural Resources to carry out timber management on crown land in Ontario, it needs the approval of the Minister of the Environment. The current approval, under the Environmental Assessment Act, was granted by the Minister of the Environment in May 1994. The approval is valid for a period of nine years, which means it expires in May 2003. The 1994 approval was granted based on extensive public hearings on MNR's class environmental assessment for timber management on crown lands in Ontario.

In order for forest management to continue on crown land, the term of the approval must be extended. The requirements of all the terms and conditions of the 1994 timber EA approval will be met by May 2003.

The Ministry of Natural Resources submitted its timber class environmental assessment review to the Minister of the Environment in July of this year. The ministry's submission contained a detailed account of its compliance with the 1994 approval, as well as important

proposed amendments and a recommendation to extend the approval. The review was the subject of a thorough and far-reaching process of consultation and careful study.

Public information centres were held across the province. As well, two preliminary documents were posted on the Environmental Bill of Rights registry and were available on the ministry's Web site and through mailings to the interested parties, including First Nations communities and aboriginal associations.

Significant proposed amendments were outlined in the timber class EA review, because major steps have been taken in forest management and environmental protection since the EA approval was granted in 1994. New legislation, progressive forest policies and innovative land use strategies have put Ontario at the forefront of sustainable forest management. These advancements include the development of the Crown Forest Sustainability Act, the Ontario forest accord, Ontario's Living Legacy land use strategy, the Environmental Bill of Rights and the improvements to the Environmental Assessment Act. The Ontario forest accord was a particularly important milestone, as it brought together MNR, the forest industry and non-governmental agencies. The common goal of the accord is to make sure Ontario's forests remain healthy, large and diverse while providing for a healthy forest industry.

The review takes into consideration all of these developments. Ultimately, the review will make it easier to continually improve forest management activities; give the ministry more flexibility to respond to the changing economic, social and environmental values of the people of Ontario; and better reflect the roles of the forest industry and MNR.

One of the items covered in the 1994 approval was the involvement of aboriginal people in forestry. Specifically, the terms and conditions of MNR's timber class EA approval required the ministry to negotiate locally with aboriginal people to identify and implement ways of ensuring more participation by aboriginal people in the benefits that accrue from forest management. It is a commitment that the ministry has worked hard to keep, and with our forest industry partners, our efforts in this regard will be ongoing.

The ministry's district managers have been active in meeting with aboriginal people and the forest industry to hold discussions, share information, and facilitate co-operation and dialogue to find ways to improve aboriginal peoples' involvement in forestry activities and ensure they receive the benefits associated with that involvement. In fact, things have improved considerably for aboriginal communities since the 1994 approval. Economic development opportunities associated with forestry have increased. These have been outlined in the annual reports on forest management provided to the Ontario Legislature and in the ministry's timber class EA review that I have already referred to.

A wide range of business opportunities has meant more jobs and income for aboriginal communities.

Millions of dollars of silviculture contracts, joint ventures and mutual agreements are arranged each year with aboriginal people by the forest industry and the ministry. I'll give you a few examples.

In Hearst, Dryden and Sudbury districts, a number of First Nations, including Eagle Lake, Constance Lake and Sucker Creek, carry out a range of silvicultural activities, including pre-commercial thinning, manual tending, tree planting, pruning and cone collection. First Nations in the area are also involved in collecting data on regeneration, native values mapping and forest inventories.

First Nations in Thunder Bay and Nipigon districts, such as the Whitesand and Rocky Bay First Nations, have contracted for harvesting as much as 70,000 cubic metres of wood for sawlogs, veneer and pulpwood. In Fort Frances district, aboriginal businesses have contracted to haul about 40,000 cubic metres of wood and carry out road maintenance.

Aboriginal people are also directly employed in mill operations and supervisory work that takes place in the bush. The recent development of the mill in the Kenora area has seen significant commitments by the forest company in the area of aboriginal employment.

**1120**

By way of comparison, only about 100,000 cubic metres of wood were licensed to aboriginal people in 1986. By the year 2000, over 1.5 million cubic metres of wood within the area covered by the timber EA were allocated to, cut by, and contracted to or offered to aboriginal people and businesses.

About one million cubic metres of crown timber were harvested by the aboriginal people. This is about 4% to 5% of the wood harvested in the province. The estimated value is \$30 million to \$50 million.

I would also like to point out that the ministry is recommending revisions to the approval and will provide even more opportunities to aboriginal communities to take part in the development and implementation of forest management plans.

The members may be interested to know that the ministry is working on a project to realize economic potential in the far north, as well. Known as the Northern Boreal Initiative, the project could result in hundreds of jobs, with First Nations taking a leadership role in managing local forestry operations.

The work of the Ministry of Natural Resources on this initiative supports the government's commitment to promote growth along all regions and industries, and goes hand in hand with efforts of the Ministry of Northern Development and Mines.

I can assure the members of this House that the Ministry of Natural Resources is committed to working with aboriginal people and the forest industry to identify ways of continuing to improve aboriginal participation in the benefits of forest management.

For the reasons that I have just outlined, this side of the House will not be supporting the private member's bill of the member from Timmins-James Bay.

**Mr Gerry Phillips (Scarborough-Agincourt):** I want to begin by also welcoming the grand chief and other leaders from the First Nations here today to the Legislature, and secondly, to say that I will be supporting the resolution. It is a resolution, not a bill, by the way, and I think it's a solid resolution. I'll be supporting it for a variety of reasons.

One is—and the member from Timmins-James Bay mentioned it—that there's a certain fairness element in this, where other communities do share in revenue from businesses and industries in their area, and I think in terms of fairness, the First Nations have a claim on this.

The second reason is that the one thing I'm very aware of is the enormous amount of talent in our First Nations and, I might add, a growing amount of talent, as the very talented young people coming along can make a tremendous contribution to the economic well-being of the province of Ontario. This resolution, while it will not fundamentally change things, is clearly a step in the right direction.

The third reason I support this is something I've learned here in the Legislature—perhaps I knew it before, but it certainly has been amplified here—that too often we are faced with a choice of, “You have to make your mind up.” You're either for this or you're for that. Right now I find that in Toronto, you're either for the police or you're for the black community. To me, I'm for the police and I'm for the black community. I think we sometimes make these situations where we force people to kind of make their minds up. Are you for the mine and forestry industry or are you for the First Nations? I think a legitimate answer can be, “I'm for both.” One way that can happen is to put in place mechanisms that both force dialogue and also that—to use the jargon—it's a win-win. I think this can be a win-win. I think clearly our mining and our forestry industries are fundamental to the province of Ontario. They are tremendously competitive worldwide. We have to make absolutely certain that those industries continue to grow and blossom and be cost-competitive on a worldwide basis. They provide an enormous amount of the province's wealth and jobs. But at the same time, it seems to me that that also can be done in co-operation with our First Nations. If we find mechanisms that encourage a dialogue and a mutual co-operation, I think our mining and forest industries can be stronger and our First Nations can be stronger.

The next reason I'm supportive of this is that we have, frankly, much to learn from our First Nations. The member for Timmins said they're patient, and I know that. They take a long view of things. If you want environmentalists, if you want to understand the environment, go to our First Nations. They think generations ahead, not months or weeks or years ahead; believe me. We have much to learn from them on many things but particularly on a sustainable environment. They have a right to their communities and, more important, perhaps equally important, we all benefit from those communities.

Our industries have much to learn from the First Nations on the environment. I've read some, I don't



pretend to be an expert, but I've read much of the history of the First Nations and, if you are interested in the environment, as I think all of us are in varying degrees, we can take lessons from our First Nations. I repeat myself, but Mr Bisson said if they have been patient on this issue, it's because they see things in the long term.

It gets back to my belief that one of our roles here is to find the mechanisms that can encourage co-operation between our First Nations, and in this case our forestry and mining industries. What the First Nations can bring, among other things—as I said earlier, I am very impressed with the tremendous talent in our First Nations, much of it underutilized because the opportunities have been denied. But there is an enormous and growing amount of talent. This particular resolution I think is worded in a way that provides quite a bit of flexibility. It sets us in a direction that allows the flexibility, I think, for the First Nations, and dare I say the industries and governments, to find a long-term, workable solution.

The thing that has often concerned me here is that for some reason or other we seem almost to set up situations that result in conflict rather than in resolution, as I said earlier in my remarks, that you've got to pick one side or the other. That is not a long-term solution. This provides some direction for the province, the industry, the First Nations to work together in ways that can say, "Listen, the First Nations are as interested as anyone in good economic development for the province of Ontario, but it should be done in a way that's co-operative with them, that their fundamental rights are not jeopardized and that we can get into, as I said earlier, this win-win situation."

I'm quite taken with the resolution. I think it provides the government, industry and the First Nations with a sense of direction on this. My experience has been that the First Nations are clearly people of goodwill, looking for a sustainable solution that's consistent with their fundamental beliefs. I think this resolution will help to accomplish that, so I'm pleased to stand in support of it and look forward to its adoption.

1130

**Mr Howard Hampton (Kenora-Rainy River):** I'm very pleased to take part in the debate of this resolution. I will be supporting this resolution and I urge all other members to do so as well.

I want to begin my comments by pointing out that this not a new issue. What I've got is a document called the Declaration of Independence for Nationhood and Governance of the Nishnawbe-Aski Nation of Northern Ontario. This is a document that was presented to Ontario through the Honourable William Davis, Premier of Ontario, during the All Ontario Chiefs' meeting at Queen's Park, Toronto, Ontario, on July 7, 1977, and presented to the Right Honourable Pierre Elliott Trudeau, Prime Minister of Canada, and senior cabinet during a joint meeting between the National Indian Brotherhood Assembly of First Nations executive council in Ottawa on July 11, 1977.

So what is being sought here today is not something new or revolutionary. It is something that the Nishnawbe-

Aski First Nation and the tribal councils that are part of Nishnawbe-Aski have been seeking for some time. Their statement is clear: "We say to you that we have the right to govern our own spiritual, cultural, social and economic affairs." The First Nations are geographically located in a part of Ontario where there are virtually no non-native communities, where you might find from time to time teacher, a nurse or an airline pilot who is a non-native person, but otherwise all the communities are aboriginal communities—the largest geographic expanse of Ontario. So you have no non-aboriginal communities, all the communities are First Nations communities, and they're simply saying over and over again that NAN communities seek to establish, intend to establish, their own capacity to govern themselves and the land where they live. Why a non-native government that is essentially situated in southern Ontario would not recognize this claim and would not seek to work toward the furtherance of this claim is beyond me. If you reflect upon it, we haven't exactly done such a great job of governing our own affairs, particularly from the environmental perspective.

The document makes for very good reading. But particularly interesting are the points which are set out near the end of the document, where in 1977, and I want to emphasize that again, the Nishnawbe-Aski Nation said, "Today we are here to tell you who we are. We, the Nishnawbe-Aski, have inalienable rights. They are: the right to" govern ourselves—I don't think that's such a revolutionary concept—"the right to receive compensation for our exploited natural resources; the right to receive compensation for the destruction and abrogation of our hunting, fishing and gathering rights; the right to renegotiate our treaty as understood by our people, land and resources; the right to negotiate with the elected governments of your society through appropriate levels of representation; the right to approach and negotiate the judicial, governmental and business institutions of your society in our quest for self-determination and local control." I don't think these are revolutionary concepts. The resolution today really speaks to two of the points outlined in that document of 1977.

Why is this so important now? It's very important now because—let's take, for example, the forest industry. We know, although this government doesn't want to admit it, that we are facing a wood supply gap across northern Ontario that is already hitting in some timber harvesting areas and which will last until somewhere around the year 2035. It doesn't mean that we have run out of timber. What it means is that the mature forest that is there is rapidly being harvested, and the new forest which is growing—some of it started to grow in the 1920s, 1930s, 1940s, after it was originally harvested—will not be ready to harvest in some cases until 2020, and in other cases until 2035. So there is a wood supply gap. The existing forest is being depleted. The new forest will not be ready for harvesting until 2035. Anyone who is familiar with northern Ontario, south of the 51st parallel, will know that there are literally hundreds of paper mills,

pulp mills, sawmills and other kinds of forest products mills which need a timber supply.

Some have suggested we'll get wood from Manitoba. Good luck growing timber on the prairies. Some have suggested we'll get wood from Quebec. Anyone who lives along the Quebec border knows that Quebec is trying to get wood out of Ontario, and in fact, under this government, is succeeding in getting a lot of wood out of Ontario. Some of suggested we'll get wood from Michigan, Wisconsin or Minnesota. I live on the Minnesota border. They have already run out of wood. They're approaching many private landowners in northern Ontario and saying, "Please, can we get your wood?" One of the disturbing situations that's going to happen around Sault Ste Marie as a result of this government's wrong-headed policy is that we're very likely to see wood come out of the Sault Ste Marie wood basket and head south into the United States. When that happens, along go the jobs and economic activity.

The reality is that wood, the timber to provide for those sawmills, paper mills and pulp mills, can only come from one place. It can only come from the territory of these people north of the 51st parallel. I believe, hearing the member for Peterborough's speech earlier, what he has outlined is basically that this government does not want to negotiate compensation; it does not want to negotiate a formula for the sharing of the resource wealth. What this government has in mind, so often as we see it in southern Ontario, is that it will grant the timber rights to forest companies. The forest companies who have been granted the timber rights will then hold all of the bargaining power and then First Nations are put in the position of having to bargain with the timber companies who have the timber allocation, and try to see what they can get. That's what this government has in mind.

I just want to say very clearly to the members of this government: you are completely wrong. Your strategy is going to run into a brick wall because the First Nations understand that their territory is the only territory from which timber can come. You haven't figured out yet how to grow trees in the middle of Lake Huron or Lake Superior, and I doubt that you will in the next 20 years. The only place you're going to get the wood is from their territory. My advice to the government members is stop the masquerade and stop the process where individual timber companies try to go in and play one First Nation off against another. Stop the masquerade, and in a spirit of co-operation and recognition of mutual respect, sit down with the First Nations, sit down with the tribal councils and sit down with Nishnawbe-Aski Nation and begin the process of negotiating agreements which provide for a sharing of the resource wealth, and also provide for the elements of control, land use planning, environmental protection, and protection of traditional rights that you would want if you were living north of the 51st parallel. That's exactly what you would want.

You would not want someone who doesn't live amongst you, who has very little understanding of your

way of life and has shown not the least bit of respect for the environment south of the 51st parallel, to dictate how resource development is going to happen on your land. Let us recognize: it is not our land, those of us who reside in southern Ontario. It is very much the territory of First Nations and has been long before any of us got here.

#### 1140

The final element as to why this is so important is that the development this government wants to facilitate north of the 51st parallel without negotiating these kinds of agreements with First Nations in fact has happened in the area of southern Ontario south of the 51st parallel.

Just a brief history lesson as to what has happened, and that history lesson is really, I think, best exhibited in what I call the red pine and white pine economy: Where I grew up used to be land covered with red pine and white pine forests, some of the most beautiful forests in the world. When those forests were initially timbered at the turn of the 19th century and early in the 20th century, the logging barons who came forward employed a lot of aboriginal people. In the community where I grew up, Fort Frances, there were three large red and white pine sawmills. If you look at the employment records, many of the people who worked in those sawmills were aboriginal people from First Nations like Couchiching, Manitou Rapids, Nicicousemenecaning or Onegaming. In fact, two of the sawmills that I know of were actually located on the reserve. But after the red and white pine forests were essentially depleted and those mills were shut down and they moved to Jack pine and spruce sawmills and to pulp and paper mills, something happened. When the red and white pine mills were shut down, aboriginal people were put out of work. But when new jobs were added in the spruce sawmills and in the Jack pine sawmills and in the pulp and paper mills, aboriginal people by and large weren't employed.

When we stopped running wood down the rivers and lakes, we stopped the river drives. Many of the people who worked on the river drives in those early days were aboriginal people. But when we stopped the river drives and started transporting all the wood to the mills by truck, guess who lost their jobs? Guess who was excluded from the economy? Aboriginal people. This cannot be allowed to happen again. That is why these kinds of agreements must be reached and we must demand, as legislators, that whoever the government of the day is gets to the table and sits down in that approach of mutual respect, of recognition, and begins to negotiate those kinds of agreements.

**Mr Norm Miller (Parry Sound-Muskoka):** I'm pleased to rise today to speak to the private member's business put forward by the member from Timmins-James Bay. I'd also like to welcome the members of the First Nations who have made the trip down here today to the Legislature.

I do want to applaud the member for Timmins-James Bay for his ongoing concern for the First Nations communities, but I must put on the record that much of what



the member wants has already been implemented and is already happening.

The government supports impact benefit agreements and resource development agreements between companies and First Nations. In fact, one example of this is the current Musselwhite agreement, which has a revenue-sharing provision voluntarily offered by the mining company. We applaud and encourage this type of partnership between developers and First Nations communities.

The Ernie Eves government is already consulting with our First Nations communities in northern Ontario and with other levels of government on how they can best share in the benefits that accrue to a community from mining and forestry operations, particularly when those operations and activities take place on their traditional territories. Let me tell you how.

The provincial government is providing \$500,000 over three years through the Ontario Trillium fund to assist the Nishnawbe-Aski Nation in land and resource capacity development. That's happening right now. I was just looking at the press clippings from yesterday.

Our assistance will help increase NAN's access to expertise in forestry and mining. It will help expand NAN's participation in forest management, land use planning, mineral exploration and economic development activities.

It will enable the hiring of two forestry coordinators and a mines and minerals coordinator who will contribute to the development of policies on resource development and community economic development opportunities. I know in my own riding of Parry Sound-Muskoka, through the NOHFC, recently, Niigon Technologies has opened. It's just getting going. There are many millions of dollars invested in this new high-tech plastic injection moulding plant right at Moose Deer Point First Nation in Parry Sound-Muskoka.

The Ministry of Northern Development and Mines is also participating in a working group with the Attawapiskat First Nation, Indian and Northern Affairs Canada and DeBeers to help the First Nation participate in and derive benefit from a potential diamond mining operation.

I can point to one particularly successful resource development agreement that has been signed between a mining company and First Nations in northern Ontario, and that's the Musselwhite Mine operated by Placer Dome. Four First Nations and two First Nation councils signed a resource redevelopment agreement that provides benefits to the communities in proximity to the mine. The original agreement was signed in 1992 and renegotiated last year. The agreement will run for the life of the mine.

There are four signatory First Nation communities that benefit directly from the agreement. The four signatory communities are Cat Lake First Nation and North Caribou Lake First Nation from the Windigo First Nations Council, as well as Kingfisher Lake First Nation and Wunnumin Lake First Nation with the Shibogama First Nation Council.

Another eight affiliate First Nations can benefit indirectly. The agreement includes a target of at least 30%

of the mine workforce being drawn from the four signatory First Nation communities, with any remaining opportunities offered first to the eight affiliates.

Under this landmark agreement, the company provides a share of revenue from the mine to the signatory First Nations and First Nation councils.

The signatory communities also provide contract services to the mining operation, including general maintenance, food services, laundry service, road and dam construction, nursing services and air transportation. Simply put, the mine generates a substantial amount of secondary activity that creates wealth and fosters well-being in a community that would otherwise be without such opportunity.

I think it's fair to say that none of this could be happening if Ontario didn't have an investment climate that is conducive to attracting new mineral exploration.

Estimates for the far north region are that the mineral and commercial forestry resources would likely generate \$5 billion to \$7 billion a year in economic activity.

The Ernie Eves government recognizes the need to do more to assist far north residents in realizing the potential of those natural resources, the potential they hold for unprecedented economic development and self-reliance among far north communities. To that end, the Ministry of Northern Development and Mines is coordinating a comprehensive economic development approach for the area. The ministry will develop partnerships among First Nations, the private sector and other levels of government and help far north communities pursue economic development opportunities.

While some First Nation leaders oppose resource development in their traditional territories, many others see the economic benefits of developing these resources in an environmentally sound, sustainable manner. It boils down to a question of trust and understanding.

I think the members of this Legislature would be interested to know that, over the past two years, senior ministry staff have travelled throughout the far north region meeting leaders and members of First Nation communities. In these exploratory discussions, ministry staff have undertaken a dialogue with First Nations about their mistrust of the mining sector and the government.

There are also misconceptions and misunderstandings about the mineral development industry and the laws that regulate it. Gaps in credibility and understanding we can and will bridge. There are partnerships we will develop and strengthen to assist First Nations in developing natural resources for their communal benefit.

Our record speaks for itself. We are on the ground and engaged with our First Nation partners and our mineral development stakeholders. For those reasons, this side of the House will not be supporting this private member's resolution.

**Mr James J. Bradley (St Catharines):** I want to indicate at the beginning that I intend to support this resolution. I am concerned when I hear members say—because this is private members' hour. This is where we are to take off our partisan hats. I know it doesn't always

happen, but this is where we try to take off our partisan hats and individually make some decisions. I've heard two government speakers say, "That's why we on this side will not be supporting this resolution." I would hope there are members on the governing side who will say, "I'm here elected as the member from" whatever constituency "and I'm not necessarily going to fall into line with what the whip happens to say or what a couple of speakers happen to say." They're certainly entitled to make those speeches, but I hope this isn't a government position that is going to prevent all members on the government side from either abstaining from or supporting this resolution.

First of all, look at the resolution itself. It's not a radical resolution. The member for Timmins-James Bay I think has tried to accommodate all views in this House. I look at this as a moderate resolution. It wasn't worded to provoke opposition, to somehow have those of us on this side of the House line up against those on the other side of the House and make the governing side look bad. If he wanted to do that, he would have had a much more strongly worded resolution than we see here today.

1150

Let me review it: "that, in the opinion of this House, the government of Ontario should, in consultation with the First Nations communities in northern Ontario and with other levels of government, develop and implement mechanisms whereby those communities can share in the revenues from mining and forestry operations that are conducted in their traditional territories."

It's a very moderate resolution, a very reasonable resolution, one that is calling for dialogue, one that is calling for implementation in consultation with all who are involved.

First Nations communities, aboriginal people in this province, do not seek to be dependent upon any level of government. If they were, it would be a very difficult life because the funding mechanisms we see today from senior levels of government are inadequate. What First Nations communities are looking to is an opportunity to tap into that which other communities in the north have been able to tap into; that is, revenues from, benefits of an economic nature from, the mining and forestry operations that are found in northern Ontario—a reasonable request.

If we were to say that a particular urban municipality in the north was looking for the opportunity to derive some revenue, some economic benefit from mining and forestry operations within the borders of their municipality, I suggest that members of this Legislature would expect that that would be fine, that that would be exactly what should be happening. We have the chiefs here today representing aboriginal people in the north, representing First Nations communities, simply asking for the same right and the same benefit.

As has been mentioned by the member for Timmins-James Bay, very often, and because of circumstances beyond the control of those who reside in the communities, there have been very high levels of unemploy-

ment. This has then compelled people to seek social assistance. There isn't anybody who wants to be in that circumstance. Aboriginal people are asking for the opportunity to be part of the development, to be part of the decision-making, to be the beneficiaries of economic development taking place in the north. Those of us who reside in the south probably cannot understand nearly so well as those who reside in the north the circumstances facing First Nations communities and the lack of opportunity, in many instances, for aboriginal people in this province.

This resolution allows us an opportunity to change that, to move forward from whatever the past was. The member did not in his speech try to cast blame on anybody. He explained circumstances that exist and why those circumstances are unsatisfactory, but he did not engage in vitriolic finger pointing in his resolution or in his speech, nor did any of the other speakers I have heard on this side of the House engage in that, nor, to be fair, on the government's side. That is why I would be hopeful that we would see some support from at least some of the members on the other side, to allow First Nations communities to be equal partners, to be partners in the development that takes place in the north rather than having to rely on the goodwill of people who are directly involved in the operations of forestry and mining industries.

Obviously, with the large number of aboriginal people in the north, one would expect that employment opportunities would be there. Many times they have not been, and the benefits have been drained from northern Ontario to the benefit of southern Ontario and very often to the headquarters of the companies in the United States.

*Interjection.*

**Mr Bradley:** Well, we have had traditional lands desecrated and environmental considerations placed in the background instead of the forefront where First Nations wish to see them. I think a moderate, reasonable, progressive resolution of this kind merits the support of all members of this House.

**Mr Michael Prue (Beaches-East York):** I rise just for a couple of minutes to talk, I guess, as a southern boy, someone who grew up in Toronto and who literally has lived his whole life in southern Ontario. In fact, my first opportunity to travel to some of these northern places came as an elected member of this Legislature in the last year. It was on that travel, to try to find out about questions of housing, municipal structure, social and economic conditions so that I could better be a critic in my portfolio here, that I had an opportunity to go to the communities of Port Severn, Peawanuk and Moose Factory. It was the first time I had ever been to such places.

I have to tell you, what you find there is sad. What you find is a land full of wealth and opportunity, and energetic, wonderful people who simply want to participate in what all of us here in southern Ontario have. What you see is that they live in poverty and despair. They have an absolute lack of work in some of those



communities of 90% unemployment. They do not want this for their children, as we would not want it for ours. They want an opportunity to be part of a system that can work for them as it works for us. We need to do that. We need to give them the same opportunity we give people in southern Ontario. The same opportunity we give to towns, cities and regions in southern Ontario, we need to give to the people in northern Ontario, particularly those of our First Nations communities. They need to have full partnership and ownership. If and when they have that, they won't be coming down here.

The member for Parry Sound-Muskoka questioned this and said, "We're already doing this." If we were already doing this, would this resolution be necessary and would they be here in the Speaker's gallery looking for it? The answer is crystal clear: no, they would not be, because it would already have been done.

I want for the people of our First Nations what I want for the people of Toronto: to be partners and to share in our prosperity.

**The Acting Speaker:** Further debate? Response.

**Mr Bisson:** First of all, I want to echo what my colleague said and thank all those who participated in this debate. If the issue had been resolved and if everything is so wonderful in the province of Ontario, I say, like Mr Prue, why are the Mushkegowuk people here?

They're here because they're crying for help. They're saying they're not being treated equitably. When they look at communities south of the undertaking, communities like Hearst and Timmins, they are envious. They say, "Look at those communities that can benefit from the mining and forestry activities that relate to their communities. Why do we sit in our territories not able to share with others what is rightfully ours?"

All they're asking for is a simple thing: "Help us develop a process." Neither they nor I are telling you, "Do this or that." All we want to set up is a process so that the government can sit down with the various levels of government in consultation with the First Nations people of the Mushkegowuk Cree and others to be able to develop a process on how we make them full partners in our own province. I can't believe the government would not support that. I am almost speechless that the government would contemplate voting against something that is so fundamental. We stand up and talk about the rights of people around the world. Let's look in our own backyard. Let's look at what's happening in these communities.

I know that there are honourable members on the other side of the House. I know that Mr Young, the minister responsible, had supported this motion when I talked to him originally. I got the impression the government was going to vote for it. But I say, let's not repeat what's happening in South Africa where those people have been left behind by the colonial attitude of what's happened in the development of those countries. That exists in our own backyard. I implore you to support this resolution so that we can give the communities of the Mushkegowuk

Cree and others the ability to do a very basic thing that we take for granted in our communities, and that is to be able to share in the economic prosperity that comes from the development of resources in our communities. It's only a question of justice.

So I say to the members, the two government members that spoke, it was wonderful what you talked about but none of it affected the Mushkegowuk Cree. You talked about all of the policies that deal with everything south of the undertaking. This motion is to deal with what will happen north of 51. There is nothing that has happened up to now, so I implore you, please support this resolution.

**The Acting Speaker:** This completes the time allocated for debate on this ballot item.

## WASTE MANAGEMENT GESTION DES DÉCHETS

**The Acting Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 75.

Mr Beaubien has moved private member's notice of motion number 23. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it. The motion is carried.

## FIRST NATIONS MINING AND FORESTRY REVENUES

**The Acting Speaker (Mr Michael A. Brown):** We will now deal with ballot item number 76.

Mr Bisson has moved private member's notice of motion number 22. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five minute bell.

*The division bells rang from 1202 to 1207.*

**The Acting Speaker:** All those in favour will please stand and remain standing until their name is called.

### Ayes

Bartolucci, Rick	Curling, Alvin	Martin, Tony
Bisson, Gilles	Di Cocco, Caroline	McMeekin, Ted
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Bryant, Michael	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hampton, Howard	Prue, Michael
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Kwinter, Monte	Ramsay, David
Conway, Sean G.	Lalonde, Jean-Marc	Ruprecht, Tony
Cordiano, Joseph	Levac, David	Smitherman, George
Crozier, Bruce	Martel, Shelley	

**The Acting Speaker:** All those opposed will please stand and remain standing until their name is called.

## Nays

Amott, Ted	Gill, Raminder	Murdoch, Bill
Baird, John R.	Hardeman, Ernie	Mushinski, Marilyn
Barrett, Toby	Hastings, John	O'Toole, John
Beaubien, Marcel	Hudak, Tim	Runciman, Robert W.
Clark, Brad	Johns, Helen	Sampson, Rob
Clement, Tony	Johnson, Bert	Spina, Joseph
Coburn, Brian	Klees, Frank	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Stockwell, Chris
DeFaria, Carl	Maves, Bart	Tascona, Joseph N.
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Elliott, Brenda	Miller, Norm	Turnbull, David
Galt, Doug	Molinari, Tina R.	Wettauer, Wayne
Gilchrist, Steve	Munro, Julia	Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 35; the nays are 39.

**The Acting Speaker:** I declare the motion lost.

All matters relating to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

*The House recessed from 1210 to 1330.*

## MEMBERS' STATEMENTS

## REPORT, INTEGRITY COMMISSIONER

**Ms Sandra Pupatello (Windsor West):** As members know, the Conservative member for Simcoe North asked the Integrity Commissioner to review my personal use of the overseas courier. That review is now complete.

I am pleased with the commissioner's ruling that none of the specific complaints under the integrity act made against me by Mr Dunlop were valid. I welcome his statement that at no time did I intend that taxpayers incur any costs for this shipment.

I accept the commissioner's finding that I made an error in judgment and appreciate that he stressed that, "It would be unfair to characterize this as other than an error in judgment made in good faith."

While the commissioner recommends that no penalty be imposed for the unintentional breach of the unwritten parliamentary convention, I do not take his ruling lightly. As members know, parliamentary conventions are not defined in the act, and are generally accepted practices established by usage or custom. As the commissioner has recognized that "Purolator advised ... that personal (as opposed to government) shipping was done frequently by members," I would encourage all members to learn from the clarifications and advice of the commissioner. I know I will be taking much greater care in the future.

## SANTA'S VISIT

**Mrs Julia Munro (York North):**

'Twas the night before Christmas,  
when all through the abode  
Only one creature was stirring,  
and she was cleaning the commode.  
The children were finally sleeping,

all snug in their beds,  
While visions of Nintendo and Barbie  
flipped through their heads.

And Dad was snoring  
in front of the TV  
With a half-constructed bicycle  
propped up on his knee.  
So only Mom heard  
the reindeer hooves clatter,  
Which made her sigh,  
"Now what's the matter?"

With toilet bowl brush  
still clutched in her hand,  
She descended the stairs,  
and saw the old man.  
He was covered in ashes and soot  
that fell with a shrug,  
"Great!" she exclaimed.  
"Now I have to clean the rug!"

"Ho, ho, ho," cried Santa.  
"I'm glad you're awake.  
"Your gift was especially  
difficult to make."  
"Thanks, Santa," said Mom,  
"but all I want is time alone."  
"Exactly," he chuckled,  
"so I've made you a clone."

"A clone?" she muttered.  
"What good is that?"  
"Run along, Santa;  
I've no time for chit-chat."  
Then out walked the clone—  
the mother's twin,  
Same hair, same eyes,  
same double chin.

"She'll cook, she'll dust,  
she'll mop every mess.  
"You relax, take it easy,  
go for a run."  
"Fantastic," the mom cheered.  
"My dream has come true!  
"I'll shop and I'll read—  
even sleep a night through."

From the room above,  
the youngest did fret,  
"Mommy, come quickly!  
I'm scared and I'm wet!"  
The clone replied,  
"I'm coming, sweetheart."  
"Hey," the mom smiled,  
"she sure knows her part."



The clone changed the small one  
and hummed her a tune,  
As she bundled the child  
in a blanket cocoon.  
"You're the best mommy ever.  
I really love you."  
The clone smiled and sighed,  
"And I love you too!"

The mom frowned and said,  
"Sorry, Santa. No deal!  
"That's my child's love  
she is trying to steal."  
Smiling wisely, Santa said,  
"To me it is clear,  
"Only one loving mother  
is needed here."

The mom kissed her child  
and tucked her in bed.  
"Thank you, Santa,  
for clearing my head.  
"I sometimes forget,  
it won't be very long  
"When they're too old  
for my cradle and song."

The clock on the mantle  
began to chime.  
Santa whispered to the clone,  
"It works every time."  
With the clone by his side  
Santa said, "Good night.  
"Merry Christmas, dear Mom....  
You'll be all right!"

Sometimes we need reminding of what life is all about.

#### NORTHERN HEALTH TRAVEL GRANT

**Mr Michael Gravelle (Thunder Bay-Superior North):** It is more clear than ever that northern Ontario residents are nothing more than an afterthought for the Ernie Eves government. Certainly the treatment people are getting through the northern health travel grant program proves that, as it is appallingly substandard. Even if your claim is approved, you must now wait over three months to get your payment. For those who are unjustifiably turned down, the system for appeal is fraught with frustration. The Minister of Health must initiate a thorough review of the program to at least make the process easier for people already under great stress due to their medical condition.

But the Minister of Health must also make some immediate corrections to the guidelines that are presently in place. Do you realize that midwives, who are funded by the Ministry of Health, do not fit into the category of specialists approved for funding under the travel grant

program? Despite the fact that most GPs no longer practice obstetrics and most obstetricians no longer accept low-risk pregnancies, making midwives the only option for many women, the ministry will not have these valued professionals included in the travel grant program. This is absurd and truly unfair.

Then we have the very sad situation faced by a constituent of mine whose wife was rushed down to southern Ontario earlier this fall for emergency care and who subsequently died. When her husband's family inquired as to whether he could receive assistance to get back home, they were told he no longer qualified for a companion grant because his wife had died. Minister, come on. This is a bitterly cruel loophole that is beyond description.

I've written you on both these issues and you've not favoured me with a reply on either matter. Please show some compassion and correct these unacceptable flaws in the travel grant program.

#### CHRISTMAS EVENTS IN DURHAM

**Mr John O'Toole (Durham):** In the spirit of the season, I'd like to briefly mention just a few of the many Christmas events in my wonderful riding of Durham.

In Port Perry, the Magical Christmas Eve parade was held November 30. I'm pleased to say a record attendance was reported. It was sponsored by the Scugog Chamber of Commerce. Congratulations to Ray Northey, parade coordinator and also the director of the chamber of commerce. He received assistance from Margot and Ken Gadsden, Peter Crawford and many other dedicated volunteers. I also thank Jim Grieves, who was kind enough to drive me in the parade.

On November 23, an estimated 40,000 attended the evening Santa Claus parade in Oshawa. Funds for the event were raised in part through local businesses and organizations who each adopted one of Santa's reindeers. Congratulations to the Santa's Parade of Lights committee. Its members included John Burns, the chair, Robin Burns, Sharon Young, Kevin Campbell, plus many other hard-working volunteers.

I should also mention such events as the drive-through nativity at Trull's Road Free Methodist Church in Courtice. Many have also enjoyed the readings of Dickens's A Christmas Carol at the Newcastle community hall and St Paul's United Church in Bowmanville. These charitable fundraisers are held in conjunction with the CBC. This Saturday, branch 178 of the Royal Canadian Legion will host its "stuff a bus" event to collect non-perishable food and toys for needy families.

Finally, I would like to send greetings to Henry Downing and Merrill Van Camp, two lifelong friends who have not been well recently. My wife, Peggy, and I feel fortunate because this year is the very first Christmas for our very first grandchild, Meghan Elizabeth Lohse, born December 2.

To the constituents of Durham riding, I wish season's greetings, Merry Christmas, best of health and good

happiness for the new year, and to all members of the House I extend the same greetings.

### LONG-TERM CARE

**Mr John Gerretsen (Kingston and the Islands):** Recently, the Minister of Consumer and Business Services made inappropriate comments about an administrator at the Grandview Lodge long-term-care home in Haldimand county. I quote Mr Hudak from the Dunnville Chronicle on November 20 when referring to his portion of the county: "I frankly put more faith in their judgment than in that of an administrator who couldn't be elected dog catcher. It reinforced my feeling that there is an arrogance in the administration of the county."

Arrogance? These are comments unbecoming a minister of the crown. Haldimand county council are in fact elected officials, and they have asked the Ministry of Health and Long-Term Care to redistribute long-term-care beds across Haldimand county from the redeveloped Grandview Lodge site in Dunnville. As of today, the proposal has not gone forward and there's a belief that it is this minister who is holding back the county's plans.

It was the Harris-Eves government that downloaded services to municipalities and forced through the costly restructuring of the region of Haldimand-Norfolk. This has forced Haldimand county to make this tough decision about their long-term-care needs for the good of the entire county. For this minister to attack the county staff is unacceptable and I would ask the minister to make a formal apology to the administrator for his comments.

It is the Harris-Eves government who has underfunded long-term care in this province. They tried to sneak through a 15% increase on the copayment paid by seniors, and it is this minister and the member for Haldimand-Norfolk-Brant who voted against implementing minimum standards of care in long-term care homes. If anyone is to be held responsible for the reduction in the number of beds in Dunnville, he need only look into a mirror.

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With the attitude shown by these members, it is high time that the people of Erie-Lincoln and Haldimand county, indeed the entire province, look for real leadership and a new direction for the province based on respect, dignity and compassion, especially for our most vulnerable elderly citizens. It is time to elect Dalton McGuinty the next Premier of the province of Ontario.

### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** In the west gallery today are adoptees and birth mothers representing the thousands who want Bill 77 passed. I just met with them, and although there were some tears shed, there was also—

*Interruption.*

**The Speaker (Hon Gary Carr):** I hate to interrupt; we'll start over. We can't have any demonstrations in the

gallery. I know you've come here, but unfortunately the rules do not even allow you to clap. I would ask that you don't have any demonstrations, even silent ones where you raise your hand like that. You've come a long way and we like to see you here. But unfortunately, if it continues I will have to ask you to leave, and we don't want to do that.

You can start all over again, member for Toronto-Danforth.

**Ms Churley:** Thank you, Speaker. I apologize for that.

In the west gallery are the adoptees and birth mothers. I just met with them, and although there were some tears shed, there was also a lot of anger and renewed resolve, for they've watched the sad spectacle in this House over the last few days of their human rights once again being denied them. They saw Tory member after Tory member get up and say they support Bill 77, that it's a good bill, but then say no whenever I requested third reading and a vote on the bill. They watched while the government found time for three government private members' bills to be called and one Liberal bill, which happened last night. But excuse after excuse was given whenever I called for my bill to be voted on.

The government House leader says it's because we broke a deal. There was no deal, and there was time to call the bill. If there was time to call three government bills and a Liberal bill, there certainly is time to call Bill 77. I would say with all sincerity to the government members, there is still time to do that.

It is time to stop this nonsense. We all know the reason that the government is not calling the bill. It's not about broken deals—which means nothing to these people, the kinds of deals and horse-trading that go on here. They need their human rights granted to them. We have the power to do that. What we must do is tell the truth here, that there are some people in the government caucus who do not support the bill and those few are holding up the democratic rights, the human rights, of those people in the gallery today.

On a point of order, Mr Speaker: I would like to call for unanimous consent to call Bill 77 for third reading and a final vote.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

### CIVICS CLASSES

**Mr Bert Johnson (Perth-Middlesex):** I rise today to recognize and congratulate Mr Stephen Fischer of North-western secondary school in Stratford and Mrs Bev Gregory of St Michael's secondary school in Stratford, as well as the students in the civics classes they teach.

In the civics course, students learn about the evolution of democracies and the different types of political systems. They also study political parties, the division of powers between federal and provincial governments, our Constitution and our Charter of Rights. International organizations such as the United Nations and global issues such as human rights are also studied.



Students must also write to an elected official in their community. I have received many letters from students on a variety of issues such as literacy, health care, the voting age and the driving age. I want to take this opportunity to commend the students at Northwestern and St Michael's for the time they spent writing to me on the provincial issues that are important to them and for their interest in the political process.

Please join me in applauding the efforts of teachers like Stephen Fischer and Bev Gregory in giving our students a better understanding of our political system, our political process, and the value of being part of a democracy.

### GOVERNMENT SPENDING

**Mr George Smitherman (Toronto Centre-Rosedale):**

It's the middle of December and all across Ontario the streets are turning to slush. This is a normal occurrence in our cold province, but taken to a higher level by Ernie Eves and the Ontario slush tour because yesterday, in one of the most cynical moves I've ever seen, he demonstrated that he leads a government that, on the one hand, grabs hold of a little billion-dollar slush fund, and then starts doling it out closer to the election, while kids who have had their special-needs assessment completed wait for the desperate kinds of services they require.

He cynically waited until such time as was the best political opportunity for him. Building on the premise that justice delayed is justice denied, then what do we take from a government that knowingly disadvantages disabled kids even further by sitting on money and waiting for a politically opportune time to offer that funding, while those kids' needs go unaddressed?

So, all across Ontario we send the message out to people that when Ernie Eves arrives in your town, toting this new billion-dollar bag of tricks, understand one thing: if he's addressing important needs in your community related to education and health, understand that he's been sitting on this money. He's been waiting for a politically opportune time to announce it. While he has done that, people across this province have suffered. That's the kind of cynicism you get from that government and that's why they need to go.

### SUPPORT THE SHORTS

**Mr R. Gary Stewart (Peterborough):** I would like to inform the members of this House about 10 very special people who live and work in my riding of Peterborough. These folks are employed by Purolator and have been dubbed the couriers with cold legs and warm hearts.

Early in November, the couriers distributed to their customers flyers titled "Support the Shorts," a food drive program with the one and only rule that they must be wearing shorts in order to collect a donation of a non-perishable food item for the local food banks. The program began November 12, and we all know how many very cold days we have had since November 12. As of

December 6, the couriers have collected over 6,000 pounds of food. The program ends tomorrow, December 13. This is a great testimony to the generosity of the people who live in my riding and in the province of Ontario.

Purolator has recognized Dave Allen, Mike Lacey, Terry Johnston, Art Langlois, Jason Fraser, Dave Nichols, Jeff Payne, Clark Downey, Doug Shear and Rob Green with a certificate of appreciation, and we too should congratulate them for initiating this novel idea and freezing their limbs for a great cause.

I would ask the members of this Legislature to applaud the efforts of these 10 men who got into the Christmas spirit, braved the cold, had some fun and collected tons of food for the less fortunate.

### VISITOR

**Hon Frank Klees (Minister of Tourism and Recreation):** On a point of order, Mr Speaker: I want members here to join me in welcoming a good friend and one of Ontario's best athletes ever, having won seven Grey Cup rings in his history of 20 years in the CFL. Please join me in welcoming my good friend Hank Ilesic.

### APOLOGY

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: Yesterday I made a statement in the House that created a stir and had another member question whether or not I was allowed to do so. Your response prompted me to look into the standing orders. The standing orders, VI, page 18, "Rules of Debate," indicate:

"(a) Speaks twice to a question, except in explanation of a material part of his or her speech in which he or she may have been misunderstood, in which case the member may not introduce a new matter.

"(b) Directs his or her speech to matters other than...."

I refer to section (h):

"Makes allegations against another member."

By this reading, I believe I was out of order. I want to speak to you, personally, as the Speaker of this place. I apologize. To the House, I apologize, and in particular to the member for Haldimand-Norfolk-Brant, I apologize. I plan to keep the decorum of this House at all times because I came here with that intent. I apologize, Speaker.

**The Speaker (Hon Gary Carr):** I thank the member for that gesture. I thank the member very much, sincerely. If all the members were like him, I wouldn't have any problem in here, I can assure you.

### MEMBER'S BIRTHDAY

**Mr Gerry Phillips (Scarborough-Agincourt):** On a point of order, Mr Speaker: we have another colleague in the Legislature whose birthday is today, and our caucus has chipped in for a little present. It's something I think he would particularly appreciate. It's a plaque. I don't

know whether any of the members can guess: who would it be?

**Interjections:** Tony Ruprecht.

**Mr Phillips:** Well, it is. Happy birthday, Tony Ruprecht.

**The Speaker (Hon Gary Carr):** Happy birthday.

**Hon Frank Klees (Minister of Tourism and Recreation):** On a point of order, Mr Speaker: I seek unanimous consent to allow the member opposite to present a petition at this time.

**The Speaker:** I think the member's probably kidding, but I appreciate that, and we wish him happy birthday.

1350

#### VISITOR

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I'd like to take a minute to introduce Naomi Ives. Naomi's a second-year master of social work student from Wilfrid Laurier, my old alma mater. My first experience here was to do a field placement, like Naomi, at Queen's Park. She's here today: Naomi Ives.

#### REPORT, INTEGRITY COMMISSIONER

**The Speaker (Hon Gary Carr):** I beg to inform the House that I have today laid upon the table the report of the Integrity Commissioner, the Honourable Coulter Osborne, responding to the request of the member for Simcoe North concerning Ms Sandra Papatello, deputy leader of the official opposition and member for Windsor West.

#### REQUEST FOR OPINION

**The Speaker (Hon Gary Carr):** I further beg to inform the House that I have laid upon the table a request by the member for Don Valley East to the Honourable Coulter A. Osborne, Integrity Commissioner, for an opinion pursuant to section 30 of the Members' Integrity Act, 1994, on whether the Honourable John Baird, Minister of Energy, has contravened the act or Ontario parliamentary convention.

#### WITHDRAWAL OF BILL

**The Speaker (Hon Gary Carr):** Yesterday, the member for Windsor West introduced Bill 228, An Act respecting Canterbury College. At the time it was introduced, this bill was unaccompanied by the usual documentation that lets the Speaker know what type of bill it is. As a result, it was assumed to be a private member's public bill. As a public bill, it is not in order.

Upon review, it is clear that the bill is intended to be a private bill. However, as a private bill it was likewise unaccompanied by the required documentation and was brought before the House outside of the normal procedures established for a private bill application.

I therefore find the bill not to be in order and have directed that it be removed from the Orders and Notices paper.

#### STATUS OF BILL

**The Speaker (Hon Gary Carr):** Further, on Wednesday, December 11, 2002, the member for Hamilton West introduced Bill 233, An Act to amend the Assessment Act to more fairly permit exemptions from assessment to benefit senior citizens and disabled persons.

After first reading, the government House leader, Mr Stockwell, asked the Speaker to "review the bill for its orderliness with respect to the cost components to the financial base of the province of Ontario."

I have had an opportunity to review the bill in light of our parliamentary precedents and authorities.

Marleau and Montpetit's House of Commons Practice and Procedure states on page 898:

"With respect to the raising of revenue, a private member cannot introduce bills which impose taxes. The power to initiate taxation rests solely with the government and any legislation which seeks an increase in taxation must be preceded by a ways and means motion. Only a minister can bring in a ways and means motion. However, private members' bills which reduce taxes, reduce the incidence of a tax, or impose or increase an exemption from taxation are acceptable."

Furthermore, citation 998(1) of the sixth edition of Beauchesne states that "[a] private member may move that certain specified taxes be readjusted and that the scope of tax exemptions be enlarged."

Our own more modern precedents agree with the position taken by these authorities.

Therefore, I find that the Bill 233 does not offend standing order 56 and is in order.

I thank the government House leader for raising his concern.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr Joseph Spina (Brampton Centre):** I beg leave to present a report from the standing committee on finance and economic affairs, and therefore move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill without amendment:

Bill 116, An Act to proclaim Archives Awareness Week.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.



**Mr Spina:** I beg leave to present a report from the standing committee on finance and economic affairs, and also therefore move its adoption.

**Clerk at the Table:** Your committee begs to report the following bill without amendment:

Bill 117, An Act to proclaim Congenital Heart Defects Awareness Day / Projet de loi 117, Loi visant à proclamer la Journée de sensibilisation à la cardiopathie congénitale.

**The Speaker:** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

#### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Mr John Gerretsen (Kingston and the Islands):** I beg leave to present a report on the food industry program from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr Gerretsen:** Very briefly, I might note that that's the fourth report the committee has presented since this session started in September. Two further reports were tentatively approved this morning.

This particular report has six recommendations. Just highlighting three of them, one of them states that the Ministry of Agriculture and Food should conduct a review of its compliance with advisory protocols and the operation of the computerized information management system.

Another recommendation states that the Ministry of Agriculture and Food should update and expand the baseline product studies based on its risk analysis system. These initiatives are essential to the timely notification of commodity producers to ensure food safety for Ontario consumers.

The last recommendation states that the ministry should provide the standing committee on public accounts with an overview of the findings of the consultant's reports and their potential to enhance food safety in Ontario.

With that, I move adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. Carried.

#### VISITORS

**Mrs Julia Munro (York North):** On a point of order, Mr Speaker: I'd like all members to join me in welcoming to the gallery here Andy Houser from the Ontario Federation of Anglers and Hunters, John Bell from the Ontario Sporting Dog Association, Ray Gosselin from the Canadian Outdoor Heritage Alliance and Bob Frazer from the Ontario Bear Hunting Association.

#### INTRODUCTION OF BILLS

##### MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT, 2002

##### LOI DE 2002 MODIFIANT LA LOI SUR LE MINISTÈRE DES SERVICES CORRECTIONNELS

Mr Sampson moved first reading of the following bill:

Bill 237, An Act to amend the Ministry of Correctional Services Act / Projet de loi 237, Loi modifiant la Loi sur le ministère des Services correctionnels.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Rob Sampson (Mississauga Centre):** The bill amends the Ministry of Correctional Services Act to allow for the director or superintendent of a correctional institution to establish worker training programs for inmates or a group of inmates in an institution and allow them to earn credits, by doing that work, toward things such as accommodation, expenses and early remission.

##### ONTARIO DRINKING WATER SOURCE PROTECTION ACT, 2002

##### LOI DE 2002 SUR LA PROTECTION DES SOURCES D'EAU POTABLE DE L'ONTARIO

Ms Churley moved first reading of the following bill:

Bill 238, An Act to protect sources of drinking water in Ontario / Projet de loi 238, Loi visant à protéger les sources d'eau potable en l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Ms Marilyn Churley (Toronto-Danforth):** Just as I forced the government to bring forward a Safe Drinking Water Act, I'm hoping to act as a catalyst to speed up the source protection act the government promised.

In the Walkerton inquiry report, part two, Justice O'Connor laid out the main components of what he called "a comprehensive provincial source-to-tap drinking water policy." These included a multi-barrier approach to protecting drinking water and a comprehensive source-to-tap provincial drinking water policy.

Justice O'Connor points out the painfully obvious: an essential component to providing safe drinking water is to protect the water from getting contaminated in the first place.

1400

## RECREATION RESERVE ACT, 2002

LOI DE 2002

## SUR LA RÉSERVE RÉCRÉATIVE

Mr Ouellette moved first reading of the following bill:

Bill 239, An Act to establish a recreation reserve /  
Projet de loi 239, Loi visant à créer une réserve  
récréative.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The minister for a short statement?

**Hon Jerry J. Ouellette (Minister of Natural  
Resources):** The legislation I'm introducing today, if  
passed, will specify designated portions of the Kawartha  
Highlands as a recreational reserve. It is our intention  
that the proposed legislation will address concerns  
brought forward by the local stakeholders during the  
recent public consultation process to determine appro-  
priate protection for the Kawartha Highlands.

In short, this legislation will provide another option  
for natural heritage protection, an option that takes into  
consideration local circumstances around existing recrea-  
tional uses and ensures that areas so designated will  
continue to provide opportunities for recreational and  
economic benefits to the local communities for now and  
for future generations.

The recreational reserve designation would also  
provide greater certainty for people who hold existing  
leases or land use permits on crown land by ensuring  
through legislation that traditional recreational uses  
would not be further constrained or eliminated over time.

The legislation will be posted on the EBR, and I  
encourage all interested members of the public to review  
the proposal and make their comments known.

On a personal note, I want to wish everyone here the  
best of the season and a merry Christmas.

ONTARIO WORKERS'  
MEMORIAL ACT, 2002

LOI DE 2002

SUR LE MONUMENT COMMÉMORATIF  
DES TRAVAILLEURS DE L'ONTARIO

Mr Agostino moved first reading of the following bill:

Bill 240, An Act to establish the Ontario Workers'  
Memorial/ Projet de loi 240, Loi visant à ériger le  
monument commémoratif en hommage aux travailleurs  
de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The member for a short statement?

**Mr Dominic Agostino (Hamilton East):** This Legis-  
lature has rightly and appropriately passed legislation that  
has erected a police and firefighters' memorial on or  
adjacent to the grounds of the Legislative Assembly.

Ontario's workers are the lifeblood of this province and  
have contributed so much. Unfortunately, too many of  
our fellow Ontarians don't come home at the end of the  
day as a result of a tragedy in the workplace. This bill, if  
passed, would establish a memorial on the legislative  
grounds that would recognize all Ontario workers who  
have been killed in their line of duty and work.

## ROAD SAFETY ACT, 2002

LOI DE 2002

## SUR LA SÉCURITÉ ROUTIÈRE

Mr Sterling moved first reading of the following bill:

Bill 241, An Act to enhance safety and mobility on  
Ontario's roads / Projet de loi 241, Loi visant à accroître  
la sécurité et la mobilité sur les routes de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The minister for a short statement?

**Hon Norman W. Sterling (Minister of Transporta-  
tion):** I will defer until ministers' statements.

LOI DE 2002 MODIFIANT LA LOI  
SUR L'OFFICE DE LA  
TÉLÉCOMMUNICATION  
ÉDUCATIVE DE L'ONTARIOONTARIO EDUCATIONAL  
COMMUNICATIONS AUTHORITY  
AMENDMENT ACT, 2002

M<sup>me</sup> Boyer propose la première lecture du projet de loi  
suivant :

Projet de loi 242, Loi modifiant la Loi sur l'Office de  
la télécommunication éducative de l'Ontario pour créer  
des sections distinctes de langue française et de langue  
anglaise / Bill 242, An Act to amend the Ontario  
Educational Communications Authority Act to create  
separate French language and English language sections.

**The Speaker (Hon Gary Carr):** Is it the pleasure of  
the House that the motion carry? Carried.

The member for a short statement?

**M<sup>me</sup> Claudette Boyer (Ottawa-Vanier):** Ce projet de  
loi modifie la Loi sur l'Office de la télécommunication  
éducative de l'Ontario pour exiger que le conseil com-  
porte une section de langue française composée de  
membres francophones et une section de langue anglaise.

Ce projet prévoit aussi que les émissions de docu-  
ments en français dans le domaine de la radiodiffusion et  
de la télécommunication éducative relèvent exclusive-  
ment de la compétence de la section de langue française.

In this way, both sections of TVOntario will be able to  
continue to grow and to produce the programs and  
services best suited to their respective audiences.



TENANT PROTECTION  
AMENDMENT ACT  
(FAIRNESS IN RENT INCREASES), 2002

LOI DE 2002 MODIFIANT LA LOI  
SUR LA PROTECTION DES LOCATAIRES  
(AUGMENTATIONS ÉQUITABLES  
DES LOYERS)

Mr Bryant moved first reading of the following bill:

Bill 243, An Act to amend the Tenant Protection Act, 1997 to ensure fairness to Ontario's tenants / Projet de loi 243, Loi modifiant la Loi de 1997 sur la protection des locataires en vue d'assurer un traitement équitable des locataires de l'Ontario.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Michael Bryant (St Paul's):** The bill amends the Tenant Protection Act, 1997, in a fashion that protects tenants, which is a novelty in this province. The act will be amended so that rent may not be increased if there is an outstanding work order. It also provides for a rollback for above-guideline rent increases in circumstances of unjust enrichment and ensures that there be a rollback of above-guideline rent increases if the landlord ceases to incur the cost to justify the increase and for the rescission of increases in rent where there are no further costs incurred by the landlord for the additions provided to the tenant.

SENIORS' PROTECTION ACT, 2002  
LOI DE 2002 SUR LA PROTECTION  
DES PERSONNES ÂGÉES

Mr Colle moved first reading of the following bill:

Bill 244, An Act to protect people over the age of 65 from discrimination by amending the Human Rights Code / Projet de loi 244, Loi visant à protéger les personnes de plus de 65 ans de toute discrimination en modifiant le Code des droits de la personne.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Mike Colle (Eglinton-Lawrence):** The Seniors' Protection Act, if passed, would amend the Human Rights Code to require the appointment of a seniors' ombudsman. The ombudsman reports to the chair of the Human Rights Commission. The seniors' ombudsman acts as an advocate for the elderly and attempts to resolve complaints of abuse and neglect of the elderly in long-term-care and medical facilities.

The code is also amended to remove the reference to 65 years. This results in its being contrary to the code to discriminate in employment on the basis of age because a person is 65 years of age or older. The bill also prevents employers from changing the access to benefits or rights to benefits for workers who are 65 years of age or older.

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** On a point of order, Mr Speaker: I'd like to seek unanimous consent to give third reading to Bill 74, the amendment to the Marriage Act, which was approved by all three parties in here, went to committee and had committee hearings.

**The Speaker:** Is there unanimous consent? Agreed.

MARRIAGE AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI  
SUR LE MARIAGE

Mr Murdoch moved third reading of the following bill:

Bill 74, An Act to amend the Marriage Act / Projet de loi 74, Loi modifiant la Loi sur le mariage.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

*Interjections.*

**The Speaker:** Hold it. Sit down. There was a little bit of confusion here. I was looking to this side. I will ask again, if we could, and if people would listen carefully.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 1411 to 1441.*

**The Speaker:** Would the members please take their seats.

All those in favour will please rise and remain standing.

Ayes

Agostino, Dominic	Gerretsen, John	Mushinski, Marilyn
Amott, Ted	Gill, Raminder	Parsons, Emie
Bartolucci, Rick	Gravelle, Michael	Patten, Richard
Beaubien, Marcel	Guzzo, Garry J.	Peters, Steve
Bisson, Gilles	Hampton, Howard	Phillips, Gerry
Bountrogianni, Marie	Hardeman, Ernie	Prue, Michael
Boyer, Claudette	Hastings, John	Pupatello, Sandra
Bradley, James J.	Jackson, Cameron	Ramsay, David
Bryant, Michael	Johns, Helen	Runciman, Robert W.
Caplan, David	Kennedy, Gerard	Ruprecht, Tony
Christopherson, David	Klees, Frank	Sampson, Rob
Chudleigh, Ted	Kormos, Peter	Smitherman, George
Churley, Marilyn	Kwinter, Monte	Sterling, Norman W.
Coburn, Brian	Lalonde, Jean-Marc	Stockwell, Chris
Conway, Sean G.	Levac, David	Tascona, Joseph N.
Cordiano, Joseph	Martel, Shelley	Tsubouchi, David H.
Crozier, Bruce	Martin, Tony	Wilson, Jim
Curling, Alvin	Martiniuk, Gerry	Witmer, Elizabeth
Di Cocco, Caroline	Mazzilli, Frank	Wood, Bob
Dombrowsky, Leona	Miller, Norm	Young, David
Duncan, Dwight	Munro, Julia	
Galt, Doug	Murdoch, Bill	

**The Speaker:** All those opposed will please rise and remain standing.

## Nays

Baird, John R.	Hudak, Tim	Ouellette, Jerry J.
Clark, Brad	Johnson, Bert	Sergio, Mario
Clement, Tony	McDonald, AL	Spina, Joseph
Colle, Mike	McMeekin, Ted	Stewart, R. Gary
Hoy, Pat	Newman, Dan	Wettlaufer, Wayne

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 64; the nays are 15.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: I understand that an agreement has been reached between Mr Stockwell and Mr Murdoch. I suggest a page attend upon Mr Stockwell so that the page can deliver the subject matter of that agreement to Mr Murdoch.

## VISITORS

**The Speaker (Hon Gary Carr):** I'd like to point out that in the members' west gallery is Mr Derek Fletcher, the member for Guelph in the 35th Parliament. Please join me in welcoming our colleague.

**Mr R. Gary Stewart (Peterborough):** On a point of order, Mr Speaker: I'd like to introduce Tom Van Leeuwen and Mark and Claire, the father and brother and sister of Lauren Van Leeuwen, our page from the great riding of Peterborough.

**Mr George Smitherman (Toronto Centre-Rosedale):** On a point of order, Mr Speaker: I know all members will want to join me in giving the heartiest possible welcome to the grade 4 and 5 class from Regent Park/Duke of York school.

## LEGISLATIVE PAGES

**The Speaker (Hon Gary Carr):** On behalf of the members of the Legislature and myself, I'd like to thank our pages for their help over the past few weeks. It has been a pleasure to know you, but it's the last day. I would like to wish each and every one of you all the success in your future endeavours, on behalf of all the members, and a merry Christmas.

STATEMENTS BY THE MINISTRY  
AND RESPONSESROAD SAFETY  
SÉCURITÉ ROUTIÈRE

**Hon Norman W. Sterling (Minister of Transportation):** Earlier today I introduced a new safety bill. This is exemplary of our government, because since 1995 our government has made road safety a priority. We have introduced tough new laws to target aggressive and irresponsible driving, we have brought in stiffer fines for

those who demonstrate poor driving behaviour, and we have stepped up our efforts to combat drinking and driving.

Our efforts to improve road safety have received widespread support from the public. We have worked with our road safety partners and our stakeholders, including police services and community groups.

As a result of these actions over the past seven years, Ontario has made tremendous progress in improving its road safety record. In fact, the latest statistics indicate that Ontario's roads are the safest in Canada and the second-safest in North America.

But we cannot afford to allow this excellent record to make us complacent. We can and must do more to improve the safety of our roads. That's why today, we are moving forward to make Ontario's roads even safer with our proposed Road Safety Act, 2002.

At this point, I'd like to thank my assistant deputy minister Frank D'Onofrio, and my director of safety operations, Ernie Bartucci.

This bill would build on the province's excellent record of safety, and help us move closer to our goal of making our roads the safest in the world.

The proposed legislation is designed to accomplish several important objectives. It would target street racing with tougher penalties; improve traffic flow and safety by making the left lane a passing lane on many of our major highways; make booster seats mandatory for young children; reduce congestion by helping police to re-open highway lanes as soon as possible after an accident; and double fines for speeding in construction zones.

The bill proposes a total of 14 new legislative items. Some of the measures are designed to build on aggressive road safety initiatives we have taken since 1995. Others are in response to suggestions and recommendations from our road safety partners.

I would like to take a few moments to outline some highlights of the legislation.

We are proposing additional measures to crack down on street racing. Drivers caught street racing would be subject to immediate vehicle impoundment and the suspension of their driver's licence—both for 48 hours. This would be in addition to any other charges laid by police in relation to a street race, such as existing offences for street racing, speeding or careless driving.

1450

The bill would also prohibit the use of equipment and prescribed substances, such as nitrous oxide, that boost the performance of engines. The message we want to send is that street racing puts lives at risk and it won't be tolerated.

Another proposed measure would improve public safety by allowing the Ministry of Transportation to regulate the level of after-market window tinting applied to a vehicle's windshield and front side windows. This would make it safer for police to approach vehicles with tinted glass. It would also improve road safety, allowing drivers and pedestrians to establish eye contact, and drivers to see better at night and during bad weather.



One very important measure of this bill would require parents and legal guardians to use booster seats for preschoolers and primary grade children. Motor-vehicle-related deaths are the number one killers of our children. With this proposed legislation, we aim to change that statistic. Under the bill's provisions, booster seats would be mandatory for children who weigh between 18 and 27 kilograms, or 40 and 60 pounds, and whose seated height is less than 63 centimetres, or 25 inches.

If passed, Ontario would become the first province in the country to make booster seats mandatory. This is appropriate, given that we were the first province to require seat belts in 1976 and child safety seats in 1982. With this measure, we are moving to protect those children who have outgrown their child car seats, but who are still too small for regular seat belts to be effective.

The proposed bill also contains new provisions concerning the collection of fines for outstanding driving-related offences from out-of-province drivers. Under these proposals, Ontario would work with other jurisdictions to enforce the collection of outstanding fines for driving-related offences.

This would pave the way for Ontario to pursue agreements with other jurisdictions to suspend the licences of their drivers for outstanding fines that are payable in Ontario. These agreements would work both ways. We believe motorists from other jurisdictions would drive more responsibly if they knew there were tougher consequences.

Another proposed measure in the bill would require drivers in Ontario to use the left-hand lane only for passing on highways with three or more lanes and a speed limit of 100 kilometres per hour. This is to encourage drivers to keep right except to pass. With this measure, we aim to reduce aggressive driving behaviours, such as rapid and erratic lane changes and tailgating.

In addition to these new measures, the bill also includes provisions designed to build on and strengthen the work of our road safety partners to better protect the driving public. These include clarifying the rules for medical practitioners on when and what medical conditions must be reported to the Ministry of Transportation.

It would allow all municipalities in the province to set a speed limit as low as 30 kilometres per hour in designated areas where there are traffic-calming measures, such as speed bumps. The city of Toronto currently has this authority. By extending it province-wide, all municipalities would have more options at their disposal in their efforts to improve road safety in residential areas.

This bill would also clarify the powers of police with regard to the removal of vehicles and debris from our highways, by protecting police from legal liability. Highway incidents often result in major delays that impact on safety, affect the economy and contribute to congestion. This initiative would support the police in their efforts to reopen highway lanes as soon as possible after a serious incident.

This legislation would introduce a series of initiatives that strengthen the province's ability to monitor and enforce commercial vehicle safety. These measures

include: providing enforcement officers with new tools to crack down on illegal commercial passenger vans; revoking the licences of motor vehicle inspection stations that are operated by commercial carriers that have a poor safety record; requiring all taxis in Ontario to undergo annual vehicle safety inspections; and working with industry to develop a program to mark the boxes of trucks that haul gravel and other aggregates to help prevent overloading of dump trucks.

The last bundle of measures in the proposed Road Safety Act, 2002, would make highway construction zones in the province safer for road workers and drivers. If enacted, these proposals would double the existing fines for speeding in construction zones; give municipalities the authority to designate local construction zones, without requiring a bylaw, and to post speed limits in those zones; and require drivers to obey hand-held signs used by traffic control persons in construction zones and maintenance areas, the same way drivers must now obey stop signs held up by school crossing guards.

I am confident this proposed legislation would help us achieve our goal in Ontario of making our roads the safest anywhere. It underscores our government's commitment to a modern, efficient and safe transportation system, one that supports economic growth and sustains our excellent quality of life.

**Mr Pat Hoy (Chatham-Kent Essex):** I would have hoped that the minister would have taken all the recommendations that were in my Bill 153 when it comes to protecting people in our highway construction zones. I introduced this bill a year ago in memory of Dick Van Rooyen, who was killed as a construction worker in the infamous Carnegie Alley, which is in my riding. It has some of the aspects that the minister is calling for, but the minister did not go all the way. He did not provide a comprehensive bill like Bill 153, which I introduced in December 2001.

My bill would also have required that agreements would be made between the ministry and the construction company with the highways and include a provision for the use of police to protect the safety of the workers. It would require the closure of the travelled portion of the controlled-access highway while work is being done and diverting the traffic to the other side of the highway to ensure that all of those people who are standing on our roadsides would be protected.

But we are pleased that the minister took at least part of my Bill 153 to ensure the safety of those working in our construction zones. I'm sure that Liz Van Rooyen, the wife of Dick Van Rooyen, would be pleased with this very small step put forward by the minister. But I think that she would share our concern that he has introduced this on what is likely to be the last day of this sitting. He has introduced a bill to protect the public in various ways on the very last sitting day of this House.

I would have hoped that the minister, as he has taken part of my previous Bill 153, would have taken it upon himself to introduce Bill 112 as part of the government initiative when it comes to school bus safety. I introduced this bill in 1996. It has been introduced in this House five

times. It has had all-party support for second reading on two different occasions, and yet the government fails to bring this bill to committee. Not only that, it fails to take the bill unto itself and bring it back.

If this minister and the previous three or four others since 1995 find fault with the bill and want to change it, let's do that to protect the 810,000 children who ride school buses daily in this province. There are 16,000 buses driving each and every day.

I spoke in this House before of some of the impediments to finding those drivers. One was tinted windows, so we welcome that. But still it remains that bus drivers will have a difficult time identifying the face of a driver who passes a school bus illegally, due to the speed of the vehicle and whether it passes the bus from the back or the front.

Most importantly, those school bus drivers, over 16,000 of them, are taking the time to watch the 810,000 children who get on and off that bus each and every day. Their primary concern is that most precious cargo, those kids who ride our buses.

1500

The minister and previous Ministers of Transportation had the power to ensure that this bill would be passed. None of them have taken that unto themselves. None of them have taken my bill, as they have taken part of Bill 153, unto themselves in terms of construction zone safety. They could take the initiatives within my bill and please the 30,000 people who signed petitions in support of it, please the police, please the teachers, please the school boards, please those persons who drive school buses and please the school bus operators and owners themselves. There is widespread support for this bill across Ontario in every quarter. The only place there is no support for the protection of children in Ontario who ride school buses is on the government side. It's been here since 1996. It's been introduced countless times, with countless petitions, countless letters of support from all quarters in Ontario, and this government fails to ensure the safety of children. We don't have a conviction mechanism.

There was a blitz in Chatham-Kent just recently where the police identified 107 persons who passed school buses in just a two-month period: 107 times people risked the lives of schoolchildren by passing a school bus illegally. The police could do nothing because they have to have the identification of the driver of the offending vehicle. My bill would allow for vehicle liability. This government allows for vehicle liability—for what reason? To collect tolls on the 407. Shameful. They won't protect children in this province with the same mechanism, by an eyewitness account of a school bus operator. They use it on red light cameras. They use vehicle liability for parking violations. They use it for all manner of things, except to protect the 810,000 children who ride school buses each and every day.

**M. Gilles Bisson (Timmins-Baie James):** Imaginez-vous ce gouvernement dire qu'ils vont améliorer la sécurité sur nos routes. Quel culot. Ce gouvernement, comme on le sait bien, est un gouvernement qui, à toute

occasion qu'il a eu la chance, a tout fait, franchement, pour éviter de prendre la responsabilité quand ça vient à la sécurité sur nos routes.

Si on regarde l'agenda du gouvernement, c'est très simple. C'est quoi qu'ils ont fait? Ils ont dit, « Premièrement, on va privatiser tous les chemins. » Une fois qu'on a privatisé les chemins, on s'est rendu au nord de la province, et il faut se mettre ses patins pour descendre la 11 puis la 17 parce que c'est plein de sel. Pourquoi? Le gouvernement, à travers le contractuel du secteur privé, n'a pas assez de sel pour le mettre sur les chemins. Quel culot: ils entrent ici aujourd'hui pour nous dire qu'ils vont améliorer la sécurité sur nos chemins. Je ne peux pas accepter que ce gouvernement est sérieux.

On regarde la situation avec les policiers de la province. Les policiers, combien y en a-t-il dans la province aujourd'hui? Il y en a moins que quand ce gouvernement a été élu. Ils en ont moins, et ce gouvernement dit, « On va avoir de la sécurité sur nos routes. » Comment avoir la sécurité sur les routes si on n'a pas les policiers-là pour appliquer les lois que le gouvernement eux autres ont introduites? Impossible.

Puis là on dit, « Tout va être bien dans la province de l'Ontario. » On est si bien, M. Sterling, le ministre des Transports. Quel culot qu'il a, ce monsieur-là, j'ai besoin de dire. But, Mr Speaker, we understand that the government purports to be doing something but they are quite frankly doing the opposite.

I want to propose this to the minister, a very simple premise. When people decide they want to go out racing a car down a back road or a highway, what is going to stop them from doing it? That they can't put some ethanol or some supercharged engine underneath their hood? No. It's knowing you've got the cops on the highway who are going to pull you over if you try it. So you can do all you want by laws—you can threaten to lock them up for life—but if there ain't police on the highway to stop them, how are you going to be able to deter the very action that you say, you purport, you want to change in this law? Absolutely impossible.

So I say to the government, it's another one of those doublespeaks. They say they want to do one thing with a bill or with a statement, but when it comes to their actual actions, I'm sorry; they're quite the opposite. Deterrence is the way to deal with the issue.

As many people who live across Ontario know—ask yourself this question when you're driving on secondary highways across the province: how many times have you seen an OPP cruiser out on the road? Ask yourselves. I'm on the highway every weekend. I go from Timmins to Hearst to Constance Lake and down to Kapuskasing. I'm all over my riding on the weekend. You can count on your hand how many times you see OPP cruisers in two months. It's not because the police officers are not doing their jobs. They are hard-working men and women. It's because they don't have the staff resources to put them on the highways. They're out patrolling our municipalities.



So now the government says it's going to introduce a bill. Well, I just say what I've always said when it comes to these kinds of debates: at the end of the day, if the government wants to really do something to deter an action, you have to take away the whole perspective from the people who are thinking of doing the crime by way of deterrence.

Comme j'ai dit, monsieur le Président, c'est une question d'un gouvernement qui dit une affaire quand ça vient au projet de loi mais qui fait complètement l'opposé quand ça vient à être capable de faire ce qu'ils disent qu'ils vont faire dans le projet de loi. Ils disent, « Ah oui, on va être très bien. » Mais je dis, comme j'ai dit au commencement, quel culot.

Là, je vais retourner à mon sujet favori. Ce gouvernement qui a privatisé nos chemins, qui dit dans cette loi qu'ils veulent améliorer la sécurité, je vous donne une suggestion. Monsieur le premier ministre—si seulement vous étiez si chanceux. Monsieur le ministre, ayez au moins le culot d'aller au cabinet de l'Ontario et d'admettre à votre gouvernement et à votre cabinet que vous avez fait une erreur quand ça vient à la privatisation de la maintenance de nos routes. Sur toutes les occasions sous contrat sauf un, vous payez plus d'argent que ça nous a coûté dans le passé.

Le ministre dit, « Non, non. » C'est tout ce qu'il sait, lui. Il ne sait pas comment dire oui à la sécurité de la population. En réalité, c'est le vérificateur provincial de l'Ontario, M. Peters, qui a dit que sur toutes les occasions sauf une, ça nous coûte plus cher aujourd'hui pour entretenir nos routes en hiver, et quoi ? Elles sont moins sécuritaires que dans le passé.

Je dis très simplement au ministre : si vous dites que vous voulez améliorer la sécurité, je vous donne une suggestion. Du sel, j'en ai sur ma table chez nous, j'en ai dans mon appartement. Je vous le donne, puis vous pouvez le mettre sur les routes de la province de l'Ontario, et possiblement on peut se rendre du point A au point B.

## DEFERRED VOTES

### ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2002

#### LOI DE 2002 MODIFIANT LA LOI SUR LA SOCIÉTÉ DE PROTECTION DES ANIMAUX DE L'ONTARIO

Deferred vote on the motion for third reading of Bill 129, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 129, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

**The Speaker (Hon Gary Carr):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1507 to 1512.*

**The Speaker:** All those in favour will please rise and remain standing until recognized by the Clerk.

#### Ayes

Arnott, Ted	Hastings, John	Ouellette, Jerry J.
Baird, John R.	Hudak, Tim	Peters, Steve
Barrett, Toby	Jackson, Cameron	Runciman, Robert W.
Chudleigh, Ted	Johns, Helen	Sampson, Rob
Clark, Brad	Johnson, Bert	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Coburn, Brian	Martiniuk, Gerry	Stewart, R. Gary
Cunningham, Dianne	Maves, Bart	Stockwell, Chris
DeFaria, Carl	Mazzilli, Frank	Tascona, Joseph N.
Dunlop, Garfield	McDonald, AL	Subouchi, David H.
Ecker, Janet	McMeekin, Ted	Turnbull, David
Elliott, Brenda	Miller, Norm	Wettlaufer, Wayne
Flaherty, Jim	Molinari, Tina R.	Wilson, Jim
Galt, Doug	Munro, Julia	Witmer, Elizabeth
Gilchrist, Steve	Murdoch, Bill	Wood, Bob
Gill, Raminder	Mushinski, Marilyn	Young, David
Guzzo, Garry J.	Newman, Dan	
Hardeman, Ernie	O'Toole, John	

**The Speaker:** All those opposed will please rise and remain standing until recognized by the Clerk.

#### Nays

Agostino, Dominic	Curling, Alvin	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Dombrowsky, Leona	Parsons, Ernie
Bountrogianni, Marie	Duncan, Dwight	Patten, Richard
Boyer, Claudette	Gerretsen, John	Phillips, Gerry
Bradley, James J.	Hampton, Howard	Prue, Michael
Bryant, Michael	Hoy, Pat	Pupatello, Sandra
Caplan, David	Kennedy, Gerard	Ramsay, David
Christopherson, David	Kormos, Peter	Ruprecht, Tony
Churley, Marilyn	Kwinter, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George
Cordiano, Joseph	Levac, David	
Crozier, Bruce	Martel, Shelley	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 52; the nays are 37.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: Due to the unforeseen circumstances of the half-hour bell, I would seek unanimous consent to extend question period to quarter after 4.

**The Speaker:** Is there unanimous consent? I heard a definite no.

## ORAL QUESTIONS

### SPECIAL EDUCATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Premier. I wanted to ask you about the announcement you made yesterday to help special-needs children in Ontario's public schools. As you well

know, those children and their families have been waiting for help for years. School for those children and those families has been a daily struggle. Those families have been desperate for support from you. Yesterday you told us that money was not an issue, that there was lots of it sloshing around.

My question, on behalf of those kids and those families, is, how is it that you could put your political interests ahead of the needs of those children when you tell us now that you had this money all along?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The leader of the official opposition couldn't be wronger if he tried. To start with, we are the first government in the history of the province of Ontario that has designated money for special education. Second, we introduced the ISA process to evaluate these students. We're the first government to do that. Third, the announcement yesterday, if he can read and pay attention, was to not only fully fund all the phase 3 ISA-assessed students, as Dr Rozanski recommended in his report, but we've also gone one better than Dr Rozanski's report. We're going to fully fund all the phase 4 assessments, which won't be completed until the end of this month; next year as well. Have a nice day.

**Mr McGuinty:** Premier, you sat on this money and you sat on your hands and you refused to help kids. Do you want to talk about firsts? Your government was the first to accumulate a list of 40,000 kids who are waiting to get help, and you sat on your hands and you refused to help them.

For years, kids have been frustrated, parents have been pulling their hair out, kids have been falling behind, there has been a loss of self-confidence, a loss of self-esteem, and you waited until it served your political interests before you decided you're going to help special-education kids. Where do you get off, Premier, putting your political fortunes ahead of Ontario kids?

**Hon Mr Eves:** I certainly don't need any lectures from the leader of the official opposition about special-education students.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Premier, take a seat. Sorry to interrupt, Premier. Order. It's getting a little noisy in here, on both sides. I'd ask for co-operation. Sorry, Premier. Continue.

1520

**Hon Mr Eves:** Being a parent of a former special-education student, I know exactly how difficult it is for these students. That is exactly why, when we became the government of this province, we put in place a system to assess those students, not just in the elementary and secondary levels, but even post-secondary.

Virtually now every post-secondary institution in this province, thanks to the Minister of Education and the Minister of Training, Colleges and Universities, accounts and has a program to assist learning-disabled students. We were the first ones to identify them.

Your government, David Peterson's government, did absolutely nothing. They didn't assess one single student. They didn't fund one single student.

**Mr McGuinty:** Premier, you sat on this money and you allowed a waiting list of 40,000 to accumulate. It grew by 15% during the last three years. Sixty per cent of students identified with special needs failed the grade 10 literacy test. Those students will be unable to graduate. You knew about it, and you sat on the money.

During the last five years, there has been a 55% drop in the number of schools reporting regular access to psychologists, a 37% drop in the number of schools reporting regular access to social workers and a 24% drop in the number of schools reporting regular access to speech language pathologists.

You knew about every bit of that, Premier, and you chose instead to sit on your hands and sit on the money and to come up with it on your conversion on the road to Damascus because it serves your political interests. I ask you again on behalf of those families and those kids, how could you possibly put your political interests ahead of those kids?

**Hon Mr Eves:** I know it's difficult for Liberals to add, but in this process, in this school year, we have in this year alone now added \$1.16 billion in-year through public boards of education. His solution to education in this province is to add \$1.3 billion over four years. We've done that in one year, Mr Do Nothing—Mr Do-Nothing Party.

#### PREMIER'S RECORD

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Premier. Premier, your government and your leadership have been nothing short of an abysmal failure.

Here is some of the record, and we should take the time to review it, painful though it may be for you. The Minister of Tourism resigned over indulgent expenses. You tried to sneak through a \$10-million tax break for pro sports teams. John Snobelen, with your blessing, has been spending more time caring for his horses than his constituents. You tried to legalize pension raiding in the province of Ontario. You're selling off Hydro One in a fire sale. You tried to hike long-term-care fees for seniors by 15%.

We believe on this side of the House that the people of Ontario deserve much, much better. I'm asking you, sir, if you can't deliver strong leadership, if you can't advance the interests of Ontarians, why don't you step aside and allow us to take on the responsibilities of government?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I know Liberals have short memories. You might want to remember the seven to nine cabinet ministers with conflicts of interest with their hand caught in the till that David Peterson's government had, the worst record in the history of the province of Ontario, second only to the abysmal record of the Honourable Mitchell Hepburn.

**Mr McGuinty:** No government has been more adept, more skilful and more creative at looking after itself and its closest friends, none other than this government.



There is much more. This Premier has been waving back and forth on Kyoto like a leaf in the wind. A victim of crime in this province said, "This province continually makes people beg on their knees for help that never comes." The Provincial Auditor has just finally destroyed the urban myth about this government's competence. This auditor said that half of Ontario's corporations aren't paying taxes, and this Premier won't lift a single finger to crack down on that. There are 10,000 outstanding arrest warrants in Ontario, and \$660 million is being spent on consultants when we could get the work done by our public servants for one half to one third the price.

Premier, I'm asking you again, if you can't do the job, if you won't advance the interests of all Ontarians, if you insist on looking after your friends and your allies, why don't you step aside and let us do the job?

**Hon Mr Eves:** Talk about not being able to do the job—when is the leader of the official opposition going to hold his own members to the same standard that he expects of members on this side of the House? When is the member for Vaughan-King-Aurora going to repay the pension money—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Come to order, please. We'll just wait, then. Sorry, Premier.

**Hon Mr Eves:** When is the leader of the official opposition going to table his own expenses and those of his 44 staff members? What does the leader of the official opposition have to say today about the conduct of his deputy leader as noted by the Integrity Commissioner?

*Interjections.*

**Mr McGuinty:** Premier—

*Interjections.*

**The Speaker:** Take your seat. We'll give you the time to start over. Order. Come to order, please. Put them down, please. Thank you.

**Mr McGuinty:** Premier, you could only wish that you had a deputy leader as strong, as committed and as determined as mine; you can only wish.

All we've had from this government is more and more of the same old, same old—more and more devotion and attention to yourselves and your friends and less and less attention to the needs of Ontario families.

The good news is that we have plans to bring about real change in Ontario: smaller class sizes, learning until 18, turnaround teams for our struggling schools, affordable child care and investment in the early years, cleaner gasoline, cleaner electricity, protecting the sources of our drinking water, real investments in public transit, real protection for our tenants, 1,000 new cops on the streets, 50 more prosecutors in our courts.

We've got a plan for change; they've got plans for dinner. We can't wait for the next election.

**Hon Mr Eves:** In this session alone, we have passed the Safe Drinking Water Act; we have protected consumers from abuses by the securities industry; we have restructured the electricity industry; we have protected

farmers in the province of Ontario; we have added \$2 billion to health care; we have added almost \$1.2 billion to public education.

You have a platform that changes from day to day, and I presume next week we'll be out with draft 17 of our election policy from Dalton McGuinty, to spend even less money than we've already spent in our year. Give me a break.

1530

## HYDRO ONE

**Mr Howard Hampton (Kenora-Rainy River):** My question is for the Premier, and I'm not really interested today in which of you has flip-flopped the most.

Premier, we know you are cooking a deal in the back-rooms for the sale of Ontario's hydro electricity transmission company, Hydro One, or at least 49% of it. We know why: you've got a \$2-billion hole in your budget and you need to give the appearance of covering it up, and yes, you need to feed your Bay Street friends who are hungry for privatization profits. But it's the consumers of Ontario who will have to carry and pay the bill for this. Before you try to sell off 49% of Ontario's hydro electricity transmission system, don't you think the people of Ontario deserve a say first?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** First of all, we have said consistently and repeatedly that we believe there needs to be some private sector discipline brought to Hydro One. We have also said consistently and repeatedly that we will not part with control of Hydro One. We've also said that if we don't get an offer that's satisfactory to us, we're not selling any part of Hydro One in a fire sale.

**Mr Hampton:** We've seen from the auditor's report what private sector discipline means to your government. It means consultants walk in and walk out with hundreds of millions of dollars and the public gets nothing. It means a company like Accenture, which changed their name from Andersen Consulting because they had been kicked out of so many jurisdictions around North America, just keeps going back and back to the public purse. That's your definition of private sector discipline.

We understand that SNC-Lavalin is the company that wants to be at the trough first. We also understand they want a management contract. In addition to 49%, they want to manage Hydro One and make more money off that. But it means people will have to pay still more on their hydro bill. I ask the question again, Premier, before you sell off 49% or 39% or hand over control, don't you think the people of Ontario deserve a say first?

**Hon Mr Eves:** He and his party are the last people who should be standing up in the Legislature talking about how to run the finances and the economy of the province of Ontario. You had deficits every year of \$10 billion or in excess of \$10 billion. You increased the debt of the province from about \$49 billion to \$101 billion. You increased the debt of the Workers' Compensation Board by billions. You increased the debt of Ontario

Hydro by billions. And you left future generations for many generations to come in this province holding the bag.

You had some experience with consultants yourself, as I recall. You actually managed to build low-rental housing that paid more money to consultants than it did to actually construct buildings. It cost more per square foot than the most luxury building on the waterfront in the city of Toronto. That's your record. I welcome you to trot that out in the next election campaign to see if they'd like to go back to 1990.

**Mr Hampton:** In your Ontario, seven people died and hundreds became ill because you cared more about tax cuts for your well-off friends than you cared about clean drinking water. The issue is this: this is not your hydro system; this is a Hydro system that belongs to the people of Ontario. The simple question is this: don't you think the people of Ontario deserve a say before you try to sell it off to your corporate friends? I'll tell you right now, one way or another, after the next election New Democrats will ensure that Hydro One is restored to public control and operates again as a non-profit utility. But before you even try to go down this road, don't you think the people of Ontario deserve a say before you try to hand it off to your corporate friends?

**Hon Mr Eves:** For the umpteenth time, we are not selling Hydro One. We are not parting with control of Hydro One. We will maintain control in the public interest, as we should, and we will see that it runs with the proper discipline in the future.

But to sit here and listen to the third party lecture us about economic activity and how to run anything, I'm surprised they can even figure out how to run their own offices. Come to think of it, they can't. They certainly couldn't run the province of Ontario. You ran it into the ground. You virtually doubled the debt of the province. You raised annual interest payments to over \$9 billion a year. Your priorities were to spend \$9 billion on interest instead of health care, schools, the environment and other things. Your priorities are not ours over here.

#### EDUCATION FUNDING

**Mr Howard Hampton (Kenora-Rainy River):** To the Premier again: you were the Minister of Finance and Deputy Premier who ran up \$25 billion in debt. For what? Just to give your corporate friends another tax cut. That's why.

Premier, Dr Rozanski has given you a blueprint to restore the \$2 billion that you've taken from Ontario's education system. So far, you've put a little money out here and a little money out there. The question is, are you going to restore the \$2 billion that Dr Rozanski says you took out? Are you going to restore it now? That's the question.

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** The leader of the third party might want to stand up and correct the record because I'm sure Dr Rozanski wouldn't appreciate you putting those words in

his mouth. He did not say that we took out one cent from the education system in this province. The reality is, the education budget in this province has gone from \$12.9 billion to, at the beginning of this week, \$14.4 billion, and it now stands in excess of \$14.7 billion.

**Mr Hampton:** According to the Premier, the \$2 billion that he talks about in his report suddenly must have disappeared somewhere else. You are the government that cut education funding. You are the government that over the last four years did nothing for the benchmarks in terms of covering the cost of inflation or the cost of collective agreements. So the question is this, Premier. He identified \$1.8 billion that needs to be in to bring us up to the level of inflation and make the improvements that he says are necessary, and he said you need at least \$300 million for collective agreements. Are you going to put the \$2 billion back in or not? That's the question.

**Hon Mr Eves:** He did not say any such thing and you know it. This week alone we have added substantial money in-year for education. We have now provided for an additional \$1.16 billion to the public education system in this province just in this current school year, the largest ever in the history of the province of Ontario by far, and we are putting far more money into public education than we did when we started.

You can argue if you want that you think we should put \$8 billion more in and you can explain to the people—and you'll have that opportunity, I'm sure, in due course on the campaign trail—where you're getting that \$8 billion. But you never were very good at math between 1990 and 1995, and you certainly haven't improved to the year 2002.

1540

#### PREMIER'S SPENDING

**Ms Sandra Pupatello (Windsor West):** My question is for the Premier. As finance minister and now as Premier, you made deep cuts that have hurt people. You cut the nutritional allowance for expectant mothers. You closed 31 hospitals across Ontario. You cut \$121 million from the Ministry of the Environment, which assisted in the disaster at Walkerton. That's why I was so shocked to find this: according to public accounts and your budget, Premier, spending by your office is more than double that of the Premier's office of Bob Rae, and triple that of the Premier's office of David Peterson. You are spending twice as much as Bob Rae and triple the amount of David Peterson. My question for you is this: why is there always less money for people who need help, but more money for you and your friends?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I didn't happen to hear an apology from the honourable member about her error in judgment, as the Integrity Commissioner described it.

When is the honourable member going to do the common, decent thing and stand up and apologize for her error in judgment? When is her leader going to do the honourable thing and table the expenses? We don't know



how much you're spending because you don't bother to share that information with the public of Ontario. Why don't you do that voluntarily? Surely an honourable person would like to do that. Why don't you take the high road for a change and get out of the gutter? It's not very becoming on you.

**Ms Pupatello:** Premier, let's remind you again. You are the man who took money away from pregnant mothers, expectant mothers in this province, as finance minister. You closed 31 hospitals in Ontario. Don't you dare lecture a member of the opposition when your behaviour and your record is there.

These are the public accounts and your budget telling us that you have spent three times the amount that David Peterson did in the Premier's office and double that of the Premier's office of Bob Rae. I ask you again, and you will account for your behaviour. You tell us today, how is it that you have all the money you need for your friends and all the money you need for your pampering, but you don't have money for people in this province who need help?

**Hon Mr Eves:** Unlike the members on that side of the House, our expenses are there for all to see. The honourable members of the opposition, the official opposition, I think would want to do the honourable thing and put all their expenses and all their staff's expenses out there for everyone to see. I know that the honourable member for Windsor West would like to do the honourable thing and stand up in the House and acknowledge the error of judgment which the Integrity Commissioner says she made. You'd probably like to apologize.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: My colleague from Windsor West did in fact acknowledge that earlier today and should be applauded for that, not condemned by you.

**The Speaker (Hon Gary Carr):** It's not a point of order. New question.

### GUN REGISTRY

**Mr Norm Miller (Parry Sound-Muskoka):** My question today is for the Minister of Public Safety and Security. Minister, we have been reading an awful lot in the press this week regarding the federal Liberals' boondoggle of the gun registry; specifically, concerns regarding the skyrocketing budget of a registry that was only supposed to cost taxpayers a couple of million dollars, but in reality is now topping the charts at \$1 billion and still counting. Minister, could you please bring the members of this House up to date on the province's involvement in the federal gun registry?

**Hon Robert W. Runciman (Minister of Public Safety and Security):** Two million dollars versus \$1 billion: that's called Rockonomics. As members of this House will recall, our government vigorously opposed this ill-thought-out, totally ineffective and tragically wasteful expenditure of tax dollars. Ministers Villeneuve, Hodgson and I appeared before the Senate committee studying Bill C-68 in September 1995 and warned of the

dangers of proceeding with this ideologically driven excuse for a public safety initiative, and offered alternatives that would have had a real impact on getting guns out of the hands of criminals. Unfortunately for all of us as taxpayers, Rockonomics won out.

**Mr Miller:** Thank you, Minister, for reminding this House and citizens of this province that our government recognized the wasteful nature of the Liberal gun registry, its lack of impact on gun violence and crime, and the devastating impact it could have on turning honest, hard-working, law-abiding Canadians into criminals in the eyes of the federal government. Minister, could you also remind us of the position taken by the Liberal Party of Ontario with respect to this costly and ineffective gun registry?

**Hon Mr Runciman:** I'll be glad to remind members of the House of the position taken by the Liberal Party of Ontario. In short, they were mirror images of the holier-than-thou, "We know what's best for you country bumpkins" approach of their hero, Allan Rock. Here's a Hansard quote from Dalton McGuinty: "I want to make it perfectly clear.... I'll be working with the...federal government to implement universal gun registration." Here's another from Dwight Duncan, the Liberal House leader: "I support the federal government's gun registry."

It's clear the McGuinty Liberals supported this boondoggle, this attack on honest Ontario citizens, and the time is long overdue for someone over there to stand up and apologize to the taxpayers of this province.

### NATURAL GAS RATES

**Mr Dwight Duncan (Windsor-St Clair):** A question to the Premier: In August of this year, Union Gas sent out notification to its customers in Thunder Bay, Windsor, London, Peterborough and Burlington that they were applying for a retroactive price increase for gas purchased some two years ago. Subsequent to that, the Ontario Energy Board approved the retroactive increase. We on this side of the House have asked you on three occasions now what, if anything, your government intends to do. I'll remind you that under the existing Ontario Energy Board Act, you have the authority.

You are in possession of two appeals to cabinet with respect to this issue asking cabinet to overturn the decision of the Ontario Energy Board. Given the fact that these retroactive billing increases will be arriving at people's homes and at the doors of institutions such as hospitals and schools in the month of January, will you confirm for the House today that in fact your cabinet will not allow that retroactive increase to proceed?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** No, I can't confirm that. He knows we can't talk about what goes on in cabinet meetings or what's coming up in cabinet.

**Mr Duncan:** Premier, then will you give your undertaking, as we've asked on several occasions? You yourself in this House said you didn't feel that retroactive

price increase was appropriate. When can we expect an announcement from cabinet, given the fact that the retroactive billing notices will be arriving in people's homes right across this province, likely within the next three to four weeks? When will cabinet make public its decision with respect to what this side of the House says is an unfair retroactive increase that your cabinet, under sections 27 and 34 of the act, has the power to overturn? When will you announce your decision?

**Hon Mr Eves:** I think the Minister of Energy can respond very directly.

1550

**Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs):** To correct the member opposite, there is nothing contained in the Ontario Energy Board Act which allows us to overturn an act. The member opposite knows that. He can consult the act and should do so.

I am tremendously concerned, as the Minister of Energy, as I know everyone on this side of the House is, with respect to retroactive charges. We could simply deal with this one issue or we could take a look at the whole problem. When it was immediately brought to the Premier's attention, he said that one decision wasn't enough; he wanted a review of the entire energy board act. We committed to get back to cabinet within 100 days of review of the Ontario Energy Board Act and how it can better respond to the needs of consumers in the province of Ontario. That type of decisive action will happen within 100 days, just as the Premier committed it would happen.

## HEALTH CARE

**Mr Garfield Dunlop (Simcoe North):** My question today is for the Honourable Tony Clement, the Minister of Health. In 1995, this government made a commitment to improve access to publicly funded and universally available health care. We have lived up to our word and delivered on that.

Over the past seven years, Ontario has become the envy of every other province in the delivery of health care, despite the fact that the federal Liberals drastically cut their contributions to our health care system.

Since 1995, this government has increased the number of new MRIs in the province by over 300%, and more are on the way. This government has increased health spending by 45% or over \$7 billion in that time frame. Forty-seven cents of every program dollar, almost 50%, is now spent on health care in our province.

In my riding of Simcoe North, access to quality health care has always been a priority. Could the minister kindly inform the Legislature and my constituents of recent health care announcements that affect them and their families?

**Hon Tony Clement (Minister of Health and Long-Term Care):** It's always a pleasure to address my hard-working colleague from Simcoe North and inform his

constituents, as well as this House, on health care investments that the Ernie Eves government has made in Simcoe county in particular. This fall, as part of a \$32.5-million announcement to improve ambulance response times, for instance, the Eves government earmarked almost \$1.8 million to Simcoe county.

We also wanted to improve access to primary care. The Eves government has done so by ensuring that Simcoe county receives funding for an extra seven nurse practitioners. This, without a shadow of a doubt, will enhance that community's access to very-much-needed primary care.

With increased funding for ambulance services and primary care funding, the Eves government is listening to Ontarians, including the good people of Simcoe county, in their call for the best universally accessible health care this country has to offer.

**Mr Dunlop:** I'm sure my constituents would be happy to know that we have been making wise health care investments for the people of Simcoe North. To many people, hospitals are seen as the front line in health, and this government is investing record amounts into hospital funding and construction. In fact, we will be spending over \$9.5 billion on hospitals this year, over 30% more than was spent in 1995.

In Simcoe North, my constituents and I are very lucky and proud to be home to the Orillia Soldiers' Memorial Hospital. As the minister knows, it is an award-winning facility with a world-class staff. While located in Orillia, it is the leader in health care for all of Simcoe county.

I was wondering if the Minister of Health could also inform my constituents and all the members of the Legislature about recent investments in Soldiers' Memorial Hospital and other hospitals across our great province of Ontario.

**Hon Mr Clement:** I want to thank the honourable member for the question. Indeed, we know that hospitals are a vital part of our health care system and Ontarians rely on them in their time of need. That's why they are part of what we call our priority in health care and we are investing, indeed, record amounts.

I know how much pride my colleague has in Soldiers' Memorial in Orillia. It is a great hospital and that's why this government has increased its base funding by 13% this year alone. Next spring, in order to serve that community even better, Soldiers' Memorial will undergo a major redevelopment, and we are looking forward to working with its redevelopment committee and the citizens of Simcoe county to see this project to its fruition and conclusion.

We are also working in other areas. I might want to remind this House that I announced an extra \$6 million to Windsor Regional Hospital this week. As a result of that funding, an extra 40 beds will be added to serve that community.

**Ms Sandra Pupatello (Windsor West):** They've got a \$10-million debt.

**Hon Mr Clement:** I know the member for Windsor West will want to join with this side of the House to



applaud this great initiative in the city of Windsor for better health care in Windsor as well.

#### FAR NORTH FIRE MANAGEMENT

**Mr Howard Hampton (Kenora-Rainy River):** My question is to the Premier. Premier, for over six years the First Nations of the Nishnawbe-Aski Nation met with your government officials from the Ministry of Natural Resources and federal government officials from Indian and Northern Affairs Canada to develop and expand a far north fire management program. They worked very hard to protect the people of their communities from the dangers of forest fires. They worked in good faith with your government, only to be told in April of this year that your government essentially was no longer interested in the far north fire management program.

Premier, I can't describe for you the disappointment of people who, time and time again, are evacuated from their communities because there has been a refusal to provide fire protection. Will your government go back to the table with Nishnawbe-Aski Nation and the federal government and complete the development of the far north fire management program?

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I believe the Minister of Natural Resources has responsibility for this matter.

**Hon Jerry J. Ouellette (Minister of Natural Resources):** Yes, we're very well aware of the concerns brought forward. The member should know that while in Halifax with the ministers from all across the various provinces and territories, we discussed this issue. I put forward a resolution at that time to move forward with the federal five-point plan that will take that into account. We are trying to work toward that. We are currently trying to set a meeting with the federal government to determine how we can move forward on a national basis that will take that into consideration.

**Mr Hampton:** In other words, it's the old game of ping-pong. Look, they are citizens of Ontario, and your government right now is putting forward the plans for mining development on their land, forestry development on their land, and yet you won't even provide them with decent fire protection. This is not a federal program. Yes, the federal government was prepared to make a contribution, but the Minister of Natural Resources wrote to the NAN chiefs in April of this year and said categorically that your government was not prepared to proceed. Now you're telling the First Nations that this is a federal program. Minister, if you want to promote forestry development on NAN land, if you want to promote mining development on NAN land, if you want the resources and the wealth that comes from those resources, don't you think you should be providing decent fire protection through the far north fire management program? If you can do one, why can't you do the other?

**Hon Mr Ouellette:** Quite the contrary, when a member of his party asked for myself to meet with individuals

from that community, we very strictly laid out a plan and asked for their assistance to work with them to move forward on this. We are trying to get the federal government—we came forward with all the jurisdictions, all the provinces across Canada, to deal with this issue, and we are moving forward on that specific issue.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Premier. Premier, recipients of ODSP in Ontario have challenges that you and I don't truly understand. Just finding accommodation and food on their allowance, which is significantly below the cost of living in Ontario, is a disaster for them. On top of that, transportation costs are almost impossible. So to them the location of ODSP offices is vital.

I noted with interest that on September 3, 1999, the member from Niagara Falls had a meeting at the Chatter Peppermintstick Restaurant in Niagara Falls and billed \$33.55. What is interesting is that the purpose of the meeting was the closing of the ODSP office. Premier, is this how you do business? Do your members meet—because subsequent to that meeting, the ODSP offices in Welland, Port Colborne and in Niagara were closed, and the people on ODSP are forced to go to St Catharines. While your members eat cake, are people on ODSP forced to hitchhike to another? Will you assure me that you will do public business in the public and give ODSP recipients some dignity and input into the thing that affects their life so—

**The Speaker (Hon Gary Carr):** The member's time is up.

**Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs):** I'm sure the Minister of Community, Family and Children's Services has a response.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I thank my colleague across the way for this question on the ODSP, the Ontario disability support plan. I think what he's referring to is his displeasure at the service that we're delivering to ODSP clients in field offices. What I can say to him is that this government, as part of our overall strategy to improve services and benefits to people who are disabled in the province of Ontario, has undertaken a number of changes in how we deliver not only Ontario Works but the Ontario disability support plan. I can't speak to those specific field offices; I will look into that, as he has duly noted. What I can say to you is that we have a number of ways of communicating from one office to another—through a telephone system which, in our opinion, actually makes the service more accessible, not less accessible.

**The Speaker:** Pursuant to standing order 30(b), the time for routine proceedings has expired.

1600

## HOLIDAY MESSAGE

**Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation):** On a point of order, Mr Speaker: Before the important business that the House leader is about to bring before us, I just thought I would like to wish everybody a very merry Christmas, a wonderful season, happy holidays and, above all, peace.

## ORDERS OF THE DAY

## SUPPLY ACT, 2002

## LOI DE CRÉDITS DE 2002

Mr Stockwell, on behalf of Mrs Ecker, moved second reading of the following bill:

Bill 229, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending on March 31, 2003 / Projet de loi 229, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2003.

**The Speaker (Hon Gary Carr):** Mr Stockwell has moved second reading. Minister?

*Interruption.*

**The Speaker:** Order. I'm afraid we're going to have to ask the gentleman to leave. Could the guards please assist and ask the gentleman to please leave.

Government House leader.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I assume the time is being split three ways. I will offer the time up to the opposition parties to begin because I have no comments respecting the supply motion.

**Ms Caroline Di Cocco (Sarnia-Lambton):** On a point of order, Speaker: I ask for unanimous consent to pass Bill 236, which is a bill that amends the Environmental Protection Act by requiring the pre-treatment of hazardous waste before it's disposed in a landfill.

**The Speaker:** The member has asked for unanimous consent to proceed on Bill 236. Is there unanimous consent? I'm afraid I heard some noes.

**Mr Steve Peters (Elgin-Middlesex-London):** On a point of order, Speaker: I rise seeking unanimous consent for third reading of Bill 143, An Act to preserve the gravesites of former Premiers.

**The Speaker:** The member has asked for unanimous consent to proceed on Bill 143. Is there unanimous consent? No.

Just so everybody knows, the clock is going to proceed now. We can do points of order, but the clock is proceeding.

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Speaker: I'd like to ask for unanimous consent to give third reading to a bill which has been approved by this House previously at second reading and been approved by committee in clause-by-clause con-

sideration, and that's a bill to amend the Audit Act so there can be clear accountability for all government expenditures.

**The Speaker:** The member has asked for third reading of the Audit Act. Is there unanimous consent? No, I'm afraid not.

**Mr Michael Bryant (St Paul's):** On a point of order, Mr Speaker: I seek unanimous consent with respect to a private bill, Pr22, which has passed at the committee stage and is currently before this House but has not been brought forward. I'm seeking unanimous consent for second and third reading of Bill Pr22.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

Further debate?

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** Is this on the supply bill?

**The Speaker:** Yes.

**Mr Conway:** My colleague Mr Phillips is around the precinct someplace and will want to have some comments, I believe.

*Interjection.*

**Mr Conway:** I apparently have 8.3569 minutes. Well, it won't take me that long.

*Interjections.*

**Mr Conway:** Do you know what, Mr Speaker? I think—

**The Speaker:** Order. If members would please have patience. It's getting late in the day. Let's allow the member to speak.

**Interjection:** It's only 4 o'clock.

**The Speaker:** It seems like a lot longer when you're up until midnight.

I'd ask all members' co-operation. He has very little time.

The member for Renfrew, continue.

**Mr Conway:** I actually have been here a fair bit in the last few days. I'm telling you, the mood of the joint is such that a rational person would probably go and whistle Dixie in the dark because, boy, if you had been here last night or the night before, you would be pretty proud to go home and tell your constituents who pay the freight for this railroad that you have some collateral responsibility for the place.

I want to say a couple of things on supply this afternoon, one of them local and one of them provincial. Let me start with the provincial matter.

I spent the evening last night reading the Rozanski report. If members have not read it, I would recommend it to you. I thought the professor, the good doctor, the principal of Guelph University, has done a really good job, particularly in making the case for the importance of public education. It's very obvious that he listened carefully to what he was told by a lot of people.

About his emphasis around core programs, the importance of equity and how equity is not always equality: speaking as a member from rural eastern Ontario, I have to tell you that I liked what he had to say about things like small schools, the need to revisit the whole question



of how we calibrate the declining enrolment factor and the importance of transportation. He has obviously heard from rural and northern school bus operators about how serious that situation is. His recommendation there I thought was particularly telling.

I was thinking that in the last couple of weeks I've heard two people, one of them named Roy Romanow and the other one named Mordechai Rozanski, and both of them I believe are first- or second-generation immigrants in this country. I think Dr Rozanski makes the point, either in his presentation or in the press release, about what public education meant for him and his family. I heard Romanow a few weeks ago talking about how important public health care was to a lot of those farmers in western Canada.

I think those of us who hold elected office would do well to listen to people who have, I think by any objective standard, done very well. Rozanski has credentials that are sparkling in the academic world: a doctorate, I think in Chinese history, from the University of Pennsylvania, one of the great schools of America. Romanow: certainly one of the really outstanding public men of Canada in the latter half of the 20th century. They remind us about the important responsibilities that are state responsibilities.

Again, back to Rozanski, on what he had to say about more money: yes, but more accountability and more transparency. I could not agree with him more. I will say parenthetically that one of the critical problems facing Parliament and facing the Legislature is the stunning degree to which we fail in that responsibility ourselves. Just in the last 24 hours I've read a column by Jeff Simpson and a column by Jim Travers—one in the *Globe* yesterday, one in the *Star* today—about the abject failure of Parliament and the Legislature to behave in the way they're supposed to behave. It's not a partisan observation. We are a disaster when it comes to holding governments of whatever stripe to account for the billions of dollars being spent in Her Majesty's name.

1610

When I think over 28 years of how bad it has gotten in this place, just at the very basic level, for following through the announced programs and whether or not they have had any real success in achieving the goals for which they were funded, I can't wait to get out of here. This hydro situation is one of the most significant embarrassments that I have seen in a long time. I just cannot wait to close my public career here, because this hydro thing is just a disaster and it's as though we are proud to advertise our illiteracy. But that's the way it is, and that's the way I guess it has to be.

Rozanski, in his report, makes it very clear that if there's going to be additional money provided to the education system—and I will congratulate the minister; in just the last 18 hours, we've had \$250 million for special education, \$340 million today. What's that, about \$600 million? That's clearly a recognition that however good the formula might have been, as Rozanski made plain, the government has simply not funded to the actual levels of acceptable expenditure.

So a very good report. I hope the government moves forward on not just the money side of it but finding ways that are going to give taxpayers some comfort that the monies are actually achieving the goals for which they are targeted.

It seems to me it was a year or so ago we had from the Provincial Auditor some rather disturbing things about the whole special education account. I haven't checked lately, but it's just not good enough to say that we think this is a meritorious objective; we have to know that there is actually some oversight that is going to make everybody involved more disciplined and more focused in ensuring that those objectives are met.

In my last minute or two, I want to say something on behalf of a small community in my county. It is now about six months ago, on a very hot, stultifying, late-June afternoon, a young mother and a young child were swept away to their deaths on the lower Madawaska River by an extraordinary, unbelievable event at High Falls, just downriver from the Barrett Chute generating station near Calabogie.

It is several months since the police investigation was launched. I know something about the diligence and the efforts that are being expended by the Ontario Provincial Police in that connection. But it is six months. A very hot, dry summer has come and gone. The lower Madawaska at Calabogie is freezing over, and the snow deepens there every day.

My question on behalf of that now deceased mother and her deceased child: when are we going to know what happened on that day, June 23, 2002, at Barrett Chute? I have some suspicions. I have some very grave concerns, but they are no more than this at the present time, because I have not myself undertaken that investigation.

I say to the government—and I'm pleased to see the Attorney General here, and I have spoken to the previous and the now Minister of Energy—the people of Calabogie, and most especially the family of those deceased individuals, have a right, and we have an obligation, to ensure that the truth is going to be told as to what happened that hot, sunny Sunday afternoon in late June. I just hope and pray that the truth is not going to be buried under a mound of ice and snow, because we have a situation where we have two people dead. We were very, very lucky, tragic as those circumstances were, that many, many more people were not killed. Because what happened there on that day was a remarkable and extraordinary development for which and about which we do not yet have answers.

As I take my seat now, I just want to say to the government, for the family members, for the others who were injured and for the people living along that lower Madawaska corridor, please move with some expedition to complete that report and give my constituents some comfort as to what happened and even greater comfort that that kind of tragedy is not going to recur.

With those remarks, I will take my seat.

**Mr Peter Kormos (Niagara Centre):** Rumour has it that this is the last day the House is sitting for the year

2002. I know there are a couple of members from Niagara region who would have no qualms about the House sitting through next week and even more than a small part of the week following. But I'm afraid that if Mr Bradley and I are here by ourselves, it would be less than effective not having government members, especially cabinet ministers, here to pose questions to in question period, among other things.

There have been a few disappointments, of course, over this last session. Last weekend I was down in my riding going to events where people are, where folks are. I went to the volunteer fire company number 2 annual banquet over at the Polish Hall on Ontario Road and spent good time with those good women and men. I had to leave a little earlier than I would otherwise have, because there was a fundraiser going on at the CAW hall—it used to be the united electrical workers'—on Steel Street. The fundraiser was for Cameron Walsh.

I've talked to you about Cameron Walsh before, and other kids like him. Cameron Walsh is a kid with autism. His folks—you've met them; they were here in this Legislature—have been on a waiting list for Cameron to get the autism treatment this government trumpeted, heralded, when it announced funding for that treatment. But the Walsh family ended up on a waiting list, and they waited and waited and waited. Then they realized the futility of that particular game, because once Cameron reached six he was no longer eligible for the treatment anyway, so it was all pretty feckless in the total scheme of things.

So the Walsh family, like so many other families in Niagara region and across this province, realized, as the loving, caring responsible parents they are, that they couldn't count on this government. They couldn't count on this government at all. They, like hundreds of other families, have been on waiting lists trying to get their kids treatment for autism—and the treatment works. The treatment does wonders. So they embarked on privately retained treatment.

You see, one of the interesting arguments by the government is, "Oh, there aren't enough providers for the treatment to expand access to kids who need the treatment"—horse feathers, to put it politely. There is private sector availability of treatment programs; it's simply that the government won't provide the funding, won't provide the resources necessary for every kid with autism to access treatment.

The problem is the treatment costs anywhere from \$25,000 to \$35,000 a year of after-tax dollars. Cameron's dad is a hard-working man and a caring father. Cameron's got a sibling. You learned when the Walshes were here that Cameron's folks had a starter home as their first home, and now, with two young kids, have bought what they thought was going to be the home they were going to raise the kids in, a little bigger than the one they had before, but modest in the total scheme of things. Make no mistake about it. I know the neighbourhood. I know the home.

1620

Because they have been forced to pay privately for treatment for autism, for their kid Cameron, they're

looking at a financial load of more likely \$35,000 than \$25,000, because if you are going to have adequate treatment, you need the more hours rather than the fewer hours.

They have indicated that Cameron has already shown remarkable progress in response to the treatment: a totally different kid than what he was before the treatment started. The problem is they've maxed out their credit cards. They've exhausted every single line of credit. They've borrowed from family, friends and neighbours. There's no more. They don't have a whole lot of equity in the house because they only just bought it, not too long ago. You know what it's like. But they're prepared and they fear they will have to sell that house to garner whatever little equity is in it to finance the payments for Cameron and the autism treatment they were forced to pay for.

Friends of the Walshes held a little fundraiser at the CAW hall, and there were raffles and there were half-and-half draws. Then there was—I probably shouldn't tell because the Alcohol and Gaming Commission would probably be interested—something that I recall as being similar to one of those wheels of chance you see at fundraisers like that. I went in there and I bought raffle tickets and half-and-half tickets. I threw a little bit of money into the kitty, just as other people were doing too.

I haven't had a chance to get back to the Walshes to find out how much money they made, but I've been at these kinds of things before and they'll have made \$1,000, \$1,500, maybe \$2,000 before the night's over. You see, the Walshes are hard-working, working-class people and their friends are hard-working, working-class people. Their friends are the salt of the earth. That's why they came out to an event like this. I'm sure they ended up spending more money in the course of participating in this fundraiser than they could really afford, but they did it because they knew the proceeds were going to help a kid, their friend's child. In the total scheme of things, as I say, I know what kind of money these events raise: \$1,500 or \$2,000, or on a good day maybe \$2,500.

It's not the solution. How many times can you call upon these people to attend fundraisers? At the same time, having said that, you know darn well that organizing one these fundraisers requires an incredible number of people spending an incredible amount of volunteer time: not just the family; the parents can't do it alone. You have to rely upon all sorts of other people. The fact is that you just aren't going to have a fundraiser a week. It isn't going to happen.

When the Walshes were up here, one of the things they thought might be productive, and I was prepared to concede we could give it a try, was to meet with the minister, Ms Elliott. I accompanied the Walshes to meet with the minister, Ms Elliott. I don't think she was particularly happy to have me join them—probably half a dozen good reasons why and twice as many bad reasons. But she sat there and she made notes. They appeared to be notes she was making. I wouldn't accuse her of doodling on the notepad in front of her. She was as tight-



lipped as cabinet ministers are inclined to be and wished the Walshes well.

The Walshes actually thought that maybe with the minister intervening, because the Minister of Community and Social Services, as historically the ministry has been known, seemed, oh-so-interested in the waiting list and was giving orders to the staff and minions who were with her, saying, "Check this out. Check out the waiting list. Maybe we'll work that out there."

It wasn't more than a couple of weeks later that the Walshes got a phone call, this time not from the minister but from, again, a minion, a young person who sure means well and probably works harder than they should for the small amount of pay they're paid as political staff in those ministries. But of course, the message from the minister was, "Too bad, so sad, guys. You guys are on your own. This minister is taking a pass on you," and Cameron and several hundred other kids like Cameron who have been on waiting lists so long that they've reached the age of six and then are no longer eligible, which of course helps the government say, "Well, the waiting lists aren't as long as they could be." You see, kids are knocked off the waiting list once they turn six, as if somehow there's no more interest in them, and quite frankly, there isn't any more interest in them from this government.

The Walshes didn't have a whole lot of hope, because they're not stupid people by any stretch of the imagination. They could read between the lines. They saw the rather condescending attitude of the minister being displayed to them while they were graced with an audience with the minister. But at the end of the day, zip, nada, zero, not a penny, not a nickel, not a dime to help the Walshes in this struggle, the struggle of a lifetime for them, the struggle of their kid's lifetime.

You see, the sad thing is that autism is a disorder that is treated with a medical model. Autism as a condition or a disorder—I don't want to be impolite or less than precise in terms of describing it—is one that can be treated, one for which there are recognized treatment regimens, and it shouldn't be the Minister of Community and Social Services at all who doles out the bucks in an oh-so-political way.

The announcement from the ministry about the funding for autism treatment was, as I say, fanfare and backdrops and spotlights and arc lights and press releases and staffers running around and people taking photographs on 35-millimetre Nikon cameras. It was. I could have sworn there was a drum and bugle corps playing in the background Hail to the Chief as the minister walked up to the podium. It was one of those classic—with the backdrop and here it is, Conservative Ontario.

We know far too much about the Mike Harris-Ernie Eves Ontario. It's a cruel, harsh, painful Ontario, and it became crueller and harsher and more painful for the Walshes when they tried to access the minister, and notwithstanding all the formal niceties and the yes ma'ams and no ma'ams and please sirs and no thank yous, they got the door slammed in their faces.

I know the Walshes and I know their boy Cameron and I know a whole lot of the other families down in Niagara and families from beyond Niagara who are taking care of their children with autism. The province of British Columbia has recently litigated the matter of autism treatment, and it has been determined in British Columbia by the courts that autism is a condition that is to be treated under the regime of health care.

So this government is way out of whack. What this government is doing is so obvious, it's so patent, it's so transparent, it's so clear. Think about this. Think about the cruelty and harshness of this. Cameron is subsidizing this government's tax breaks. Cameron Walsh is subsidizing this government's multi-million-dollar contracts with the likes of Andersen Consulting. Cameron Walsh, a kid with autism, is subsidizing ministerial expense accounts. And Cameron Walsh isn't doing it alone. Hundreds of other kids with autism are sharing that burden with him, and that's a crime.

I'll put this to you right now. If it's a matter of revenues, I as a taxpayer at my age and in my income level, yes, am prepared to pay the few bucks more a year in income taxes to ensure that Cameron and other kids like him get treatment for their autism—then roll back some of that Harris tax cut now.

#### 1630

I'm not calling upon seniors to pay more taxes, or low-income or even middle-class people. Lord knows, they've paid more than their fair share. The fact is, when it came to the Harris tax cuts, they received far less than their share. The Harris tax cuts weren't for our folks, retirees, or for the lowest-income people, never mind single moms or students, minimum wage workers or, for that matter, most middle-class working families. The tax cut didn't amount to a whole lot. It was more than offset by the increase in user fees and the downloading on to municipalities and the increase in tuitions and just about everything across the board.

But those high-income people, the ones whose tax cut amounted to not just a couple of hundred bucks a year, but thousands and thousands and thousands of dollars a year, the ones who least needed the tax cut, who got the biggest tax cut, I say to them—let's face it, we know what the income is around here; members of the provincial Parliament are not exactly low-income workers—that if people my age and in my income bracket and, quite frankly, those who make a heck of a lot more than I do, have to pay a couple of bucks more a week in income tax so that kids like Cameron can get treatment for their autism, we'd better be prepared to pay it. I don't want to live in the kind of province that the Conservatives here at Queen's Park have designed and created. It's not the kind of province that my folks or my grandparents contemplated living in either, not by any stretch of the imagination.

It is imperative that we keep struggling, that we maintain the fight, along with all those families with children who have autism, along with those children themselves and their friends and their co-workers and their neigh-

ours, that we keep struggling to ensure that there's full financing, full funding, for treatment of autism and that autism is shifted from the Minister of Community and Social Services, who has no interest in the matter, no desire to act on it, and becomes a OHIP treatment regime, where it properly belongs and where the courts, for instance, as in British Columbia, have indicated it loes.

It's interesting. It was on Saturday night I was over at the CAW hall at the Cameron Walsh fundraiser. On Friday afternoon, like most people, like every other member of the assembly, I had constituency office appointments. We had a doctor come in called Dr Hsu. Dr Hsu is a pediatrician down in the city of Welland. I don't know what it's like here in the big city, here in Toronto, but down in Niagara Centre, people know their doctors—women and men who work incredibly hard: the family practitioners, the general practitioners, the physician and surgeon types, and let's throw in a few specialists to boot. They work extremely hard. They're working 60-, 70-, 80-, 90-hour weeks and they're out there in the community doing other things. They're raising their own families and their kids are going to school with other people's kids, with workers from factories and with people in white-collar professions and with small business people's kids.

Well, Dr Hsu was victimized by this government to the point where Dr Hsu, who in different times may well have been contemplating retirement right now, has actually had to reflect on whether or not he should leave this province and practise medicine elsewhere.

Let me tell you what this government did to Dr Hsu. There is an organization called the Medical Review Committee of OHIP. The Medical Review Committee is a little common-turn type of organization that is probably more befitting of Stalinist Russia than it is of Canada or Ontario. And Dr Hsu hasn't been the only victim. I know other doctors who have been fearful about speaking up. They were worried about being red-flagged by the Medical Review Committee so they could be whacked one more time or they were just so darn busy that they literally couldn't find the modest amount of time to write the letters and raise the issue the way Dr Hsu has.

The Medical Review Committee actually came and scooped \$108,000 from Dr Hsu, ordered him to pay it back—legitimate billings to OHIP; no suggestion that Dr Hsu hadn't performed the services that the billings paid him for. Dr Hsu had to sell his RRSPs. He's not a wealthy man—a hard-working man, professional, skilled, trained, well-loved in the community. Dr Hsu had to sell his RRSPs. You see, \$108,000 was probably around 98.5% of his personal income that year, because of course he still has to pay staff, he still has to pay rent for his office, he still has to pay for equipment and materials, he still has to pay for periodicals and journals, he still has to pay, like every other doctor does, for the upgrading seminars and programs and licences and insurance and the whole nine yards.

Dr Hsu is an incredibly popular, successful and effective doctor, as a pediatrician. He got bushwhacked; he

got blindsided. He fell victim to this government's OHIP/MRC highway robbery. They cleaned him out, with no suggestion that he hadn't performed the services for which they demanded the money back. He would have been in a far better position had he been charged with fraud. At least he could have defended himself. He would have been found not guilty, and OHIP and the Medical Review Committee wouldn't have been able to touch a penny. But there's no suggestion that he committed fraud.

You see, the MRC has got this Byzantine, archaic, unsophisticated and, again, almost Kafkaesque reporting requirement. Of course, they attack high-volume doctors. High-volume doctors are the ones who are busy, who are working 78 or 80 hours a week like Dr Hsu, who are seeing twice and triple the patient load they should be seeing because they're making up for the doctor shortage that this government has done precious little—quite frankly, it's done nothing—to resolve in this province.

Dr Hsu and other doctors like him—let's understand what these doctors are doing; I don't care if it's Dr Hsu, Dr Bonsu, Dr Rau or Dr Abraham. They do a tremendous amount of work, which is why they're so loved and so popular and so highly regarded, that they don't bill for. When I go to the doctor, which is once maybe every five years, it's a five-minute proposition; I want out of there as quickly as possible. When I get older, I suspect I may be spending more time with my doctor. But there are other patients who need—when you're a pediatrician, working with parents as well as the child, there are patients with whom Dr Hsu will end up spending 30 minutes doing any number of things: reassuring a mother that the baby is OK, or reassuring a mother that her manner or demeanour or style of dealing with that baby, especially a newborn, is appropriate and desirable. He can't bill them; he wouldn't think of billing.

You know that for the last week and change I've been reading petitions during petition time in this Legislative Assembly, and the petitions are as follows:

"The OHIP schedule of benefits is often unclear about its definitions of good medical practice for many serious medical conditions: general checkups, rechecks, psychotherapy counselling and often major illness care by specialists;

"The Medical Review Committee of the College of Physicians and Surgeons has been aggressively clawing back payments to hard-working, conscientious doctors on the basis of these flawed definitions and skewed statistical analyses.

"We, the undersigned, request the Minister of Health to suspend further reviews by the Medical Review Committee; return the monies with its penalties, pending a negotiated agreement of an unambiguous schedule of benefits with representatives of affected practising physicians."

I not only received a whack of these petitions signed by patients not from only Niagara, never mind just Welland, but now from across Toronto and other parts of Ontario. They're spitting out of my fax machine in my



office. They're just churning out. This is a serious problem. OHIP should be working with those doctors, the way they and others are suggesting in this petition, to help make it easier to practise medicine, not more difficult. What's going on here?

1640

I go to my dentist, Dr Thomas Pekar, down in St Catharines. He's a brilliant guy. He uses lasers for drilling cavities. They don't drill them; they use a laser thing. It's very expensive. He's a brilliant dentist. I don't begrudge this of Dr Pekar or other dentists, but somehow, when Dr Pekar is finished his work on me, his staff person just types out codes. They plug into the Great-West Life or whatever insurance company we have here, and it's over with.

What's going on here? Why isn't OHIP sitting down with doctors like Dr Hsu and negotiating, as the doctors are proposing, a way of doing—we understand that OHIP wants a meaningful reporting method. OHIP has any number of reasons, most of them good. They want to keep a handle on what's happening in medicine, what's happening in doctors' offices. I understand that. I presume the data is used to develop some statistical databases. I hope it is, because if it isn't, it makes it even more frustrating. But for Pete's sake, sit down with these doctors. They're ready to sit down and say what the problems are with the MRC and the standards that have been set with regard to reporting by doctors.

I want to tell you this: I know there are doctors out there making huge bucks—I presume they are—the Yorkville Avenue plastic surgeon types, the ones who advertise, but most doctors are working darn hard. You don't expect them to make peanuts, but they're working darn hard for salaries far less than the mythology would have you believe. If you ever took a look at the schedule of payments for services, you'd swallow your bubblegum if you saw how little doctors are paid for a significant number of the procedures they perform. All I know is, a long time ago I used to practise law and you might as well do a pro bono than charge what I know doctors are being paid for what I consider some pretty complex procedures, even some of the minor surgeries—never mind minor ones; some of the major ones. It's remarkable how little they are paid. Again, that's not to say that doctors aren't among the better income earners, but understand that doctors are now doing double and triple duty because of the doctor and physician shortage.

How does this help attract new doctors to Ontario when this government, with its OHIP program, maintains the MRC, as these horror stories begin to be spread throughout the province and beyond? I know if I were a non-Ontario doctor investigating Ontario as a place to practise medicine and I found out what happened to Dr Hsu, I'd say, "No way, pal. I'm out of here." So maybe Mr Clement had better start paying some close attention. This isn't a little item.

Dr Bob Frankford, a former colleague of ours—you know him well, Speaker—is a good person. He's a progressive, enlightened doctor who has a strong base in

community-based medicine, a strong background and a good mind. He was a valuable member of this assembly. He came to me with petitions as well. This is not an isolated incident and it is going to snowball. I predict, however regrettably, that if this government doesn't get its act in gear, we're going to lose doctors over this MRC conduct alone.

When Dr Hsu shuts up his office, shuts down his practice and heads somewhere else, this government sent him packing because of its failure to act around this crisis, around the jackboot style of the MRC and its claw-back of monies paid to doctors. It is an outrageous and very urgent situation. I have written to the minister. I've been tabling petitions. I will work with these doctors in any way I can to highlight their concern and their plight. We'd better respond and this government had better get moving.

Another constituent of mine had an audience with the Minister of Community and Social Services, Ms Elliott. Across this province there's a whole community of invisible parents. These are grandparents who are doing parenting. You know what I mean: grandparents who, when their own children for any number of reasons can no longer parent the grandchildren, jump in as close members of those children's families and assume the role of parenting. There are far more of them than you expect or realize.

Michael, when you're back this way, would you bring me a glass of water, please? Not that one; somebody already drank out of that one. I don't know who drank out of it. It makes me nervous.

All over this province there are grandparents raising grandchildren as their children. I appreciate that's happened historically. I'm glad it hasn't stopped happening, but those grandparents now are understanding that they've been left out of the loop. They've been invisibilized by the failure of this Legislature and other Legislatures to acknowledge them and recognize them in that special, unique status they have.

Some of these grandparents—Sheila Volchert's one of them. Sheila and her husband are living in Pelham. They have their own grandchildren living with them. They treat them as their own. They're raising them. These people are retirees, and they're of fair but not extraordinary means. If those children were in foster care, the foster parents caring for those children would be entitled to an X number of dollars' allowance a month. The Volcherts have jumped in and assumed the role of more than mere fostering, yet receive none of the financial support they could dearly use.

Sheila Volchert and her husband know they're not the hardest done by. I've met with other grandparents raising their grandchildren as their own who are in incredibly dire straits, like the one brave woman from St Catharines who is legally blind and living on disability benefits who, notwithstanding and nonetheless, continues to raise her own grandchildren as her own. She won't surrender them up to an institutional authority because she knows those kids are better off with her—Grandma, family—and that the bond has already been set.

You'll recall that I've been reading petitions in this legislature during petition period on behalf of those grandparents who are parenting their grandchildren. The petition makes specific reference to the report prepared by social services in the regional municipality of Niagara. I give them great credit: Susan Reid and her staff. The report recommends a number of legislative changes, both provincially and otherwise, that could be effected to make it easier for these grandparents to raise their grandchildren as their children.

Sheila Volchert had a meeting with the minister on December 2. The minister—this is Ms Elliott—made it quite clear she didn't want Ms Volchert's MPP at that meeting with her. I understand. The problem is, Ms Volchert ain't no pushover. She's a bright, capable, intelligent woman. She was pleased with the chance to sit down with the minister and present the case of grandparents raising grandkids as their own. As a matter of fact, I know the member from Ottawa would be more than a little familiar with this phenomenon. I'm sure he has had direct involvement in the quest by grandparents, even the quest, for instance, of getting custody, never mind adopting. Some of these grandparents spend thousands and thousands and thousands of dollars on lawyers and court costs to even go through the custody process. Maybe they have a child who's the parent of the grandchildren who's got a serious drug problem or an alcohol problem or problems around mental health. The hoops these grandparents have to jump through to do the right thing are profound. This Legislature could begin to make life so much better for them, for their grandchildren, who are in effect their kids, and for the communities they live in and for this province.

1650

Shouldn't we be building the kind of place that accommodates and supports grandparents doing these kinds of things instead of maintaining a climate and a culture that is more hostile than supportive?

I suppose what I'm talking about is that this environment is hostile to Cameron Walsh and other kids with autism. This environment is increasingly hostile to doctors like Dr Hsu. This environment is hostile—this province, this government—to Sheila Volchert and other grandparents like her.

This Legislature should be working to make Cameron Walsh's life better, to make the lives of Sheila Volchert and other grandparents raising grandchildren better, and to make doctors' lives better because it makes their patients' lives better and it will make for a better province.

**Mr Ted Chudleigh (Halton):** It's a particular privilege for me to rise in the House today, speaking on the same issue, the supply bill, that the member for Renfrew-Nipissing-Pembroke, Sean Conway, spoke on earlier. I'm not sure, but it might be his last speech in this House. He has announced his retirement. It's a great honour for me to share the floor with someone who has had such an illustrious record in this House and been known as such a great orator.

It was, I think, in November 1958 that I sat in the Speaker's gallery and listened to the last speech my grandfather gave. At that time, he was completing 40 years of serving in this House. He sat in the front desks at that time. It is a memory that is as fresh in my memory today as it was at the time it happened. So it is with some honour that I share the comments on this bill with the member for Renfrew-Nipissing-Pembroke.

The Supply Act is an important bill that we debate in this House. It relates very much to the public confidence the people of Ontario have in their government.

This past Monday, the Legislature passed a bill, Bill 198, the Keeping the Promise for a Strong Economy Act, 2002. We will be implementing measures through that bill that will provide great protection to investors and consumers. It's that protection to investors and consumers that creates the confidence people have to invest in this province. We will be setting and enforcing those high standards to protect Ontario families and the integrity of our capital markets.

While Ontario has very sound fundamentals in place, there is a great deal of apprehension out there in our capital markets brought about by the events of September 11 last year. It's to be noted, I think, that the TSX has not had the experiences with Enron and the financial manipulations that we have seen in the United States. It's a credit to the Ontario Securities Commission and to the way in which we conduct our capital markets to ensure that people in Ontario have faith and confidence when they're investing their savings, when they're investing their money in other capital markets.

In order to have that strong economy that can produce growth and prosperity, we need those strong capital markets. Those capital markets need investors who have sound information, and timely information, so they can make the kinds of investment decisions that we need in this province to go forward. Investors put their trust in markets where there's an ethical corporate governance that is the rule, not the exception.

When you look south of the border you see things taking place. Martha Stewart of course is in the news a lot today. She has been reported to have had some insider trading that took place in the US; I think that insider trading is reported to have garnered her some \$400,000 in profit. If that actually did take place, then so be it; she will be found guilty and should be punished. But for a public figure; which she is—\$400,000, in the realm of insider trading, I'd suggest is not a lot of money. However, the people who have been perhaps taking advantage of these rules in the United States are not being chased, are not being prosecuted to the same degree that Martha Stewart is. She's being prosecuted simply because she's a public figure, and I think that's wrong. That is not taking place, I don't believe, in Ontario or Canada. I think our insider trading information, the times in which—

**Mr George Smitherman (Toronto Centre-Rosedale):** Michael Cowpland.

**Mr Chudleigh:** Mr Cowpland, I think, as the member points out, has paid the price for his insider trading. He is



no longer in the position he enjoyed. He has paid his fines. The system we have in this country corrected that abuse of power.

The measures that address these issues have been enacted in Bill 198, which we passed earlier this week.

The Supply Act is one of the most important bills passed in the Legislature. Much like the Keeping the Promise for a Strong Economy Act, the Supply Act has far-reaching implications for the people of Ontario. The Supply Act would allow the Ontario government to continue running the daily business of the government, the business of programs and services that benefit the people of Ontario. It would allow the nursing homes, hospitals, doctors, municipalities and general welfare recipients to receive their cheques and to receive their payments, children's aid societies and the suppliers' accounts to function knowing that their staff are going to be paid.

Earlier today I was in my riding of Halton, in the town of Milton, where we had the pleasure of opening Halton Women's Place, a new shelter for women who are undergoing situations in their private lives when they simply have to get out of the house. This is a place for them to go, a place for them to be protected, a place for them to renew their lives. The facility we're opening there is a beautiful one, one in which this government and the taxpayers of Ontario have invested \$1.5 million.

It's a very unique situation. Last February 20 I was there when we announced that this project would take place and those funds would be available. They had a very carefully drafted budget, and in that carefully drafted budget the amount of money they had for construction was X amount of money. When they went out to tender, they couldn't get anyone to construct this facility for the amount of money they had in their budget, and it looked like it was in jeopardy. They had to go back out in another fundraising episode. But then along came a local contractor, Mattamy Homes, a very large house-building operation building a lot of homes in the Milton area. They came to Halton Women's Place and offered to build this facility for the budgeted amount, and in doing so, any difference they had they took back as a tax receipt. A public-private partnership completed the project on budget, ahead of time, which was a marvellous thing for a large corporation to do, a construction company that truly has a heart, and their heart was exhibited broadly in Milton today.

We all know that the services provided by the members of the broader public sector are often provided under many very difficult circumstances. As responsible legislators, we must, in my view, enact this Supply Act for these very important programs. We want to ensure a high quality of life for our people now and also in the future. Our quality of life that we have gained here in Ontario is important. We are sitting at the pinnacle of the North American way of life, and I would suggest to you that that pinnacle is perhaps as high here as anywhere else in the world. It will be interesting to see whether the opposition and the third party find it within themselves to

support this bill to ensure that all of these services can go forward in the future.

1700

Just as the government is fiscally accountable, we are also responsible for sound economic fundamentals, in which the people of Ontario are the first consideration. In November, it was announced by this government that during our term of office the private sector has created more than one million new jobs. That's equivalent to almost 400 new jobs a day, each day, every day, since September of 1995.

I would like to give a brief history of that job creation situation in Ontario since 1995 and going back five years before that. In May of 1995, there were 89,000 fewer jobs, fewer people employed in Ontario than there were in January of 1990. That was the effect of the recession, many would say. I would say it was the effect of not only the recession but also regressive government policies at that time. Over that same period of time, from January of 1990 to September of 1995, the rest of Canada created 320,000 jobs. Those are new jobs created at the same time that Ontario was losing 89,000 jobs.

Numerous studies from around the world have found that tax rates are one of the most important factors in determining economic growth and productivity. Since 1995, Ontario's net exports have accounted for only 23% of our GDP. The main source of growth, the other 77% of the growth in our GDP has been stimulated by the domestic economy. Despite the downswing in the world economy, the economic outlook and the fiscal reviews show that Ontario will be leading the G7, the United States and other jurisdictions within North America in almost every category.

Private sector forecasts now anticipate that real growth in Ontario will be 3.5% this year, up from a consensus forecast of 3.2% in June. The recently released second quarter economic accounts show continued strong growth in real gross domestic product of 4.4% and exceptionally strong growth in our first quarter.

It is the kind of prudent fiscal management that this government has exhibited since 1995 that has led to the creation of this strong economy that we have in this province today. That strong economy that we have in this province today has allowed this government to reinvest in the things that Ontarians hold near and dear to their hearts. We have reinvested over \$8 billion in health care, so it's now 45% of our expenditures. We have reinvested in education, \$250 million yesterday and \$340 million today. We have reinvested in community safety, in the environment, in all of those things that Ontarians hold near and dear to their hearts and that they expect their provincial government to protect and reinvest in for the future so that this province can continue to have the quality of life that we have come to expect.

**The Acting Speaker (Mr David Christopherson):** The floor is open for further debate.

**Mr James J. Bradley (St Catharines):** In the very short period of time I am limited to this afternoon, I'm going to look at a few issues, some of them with a local component and some with a provincial component.

The first thing I want to talk about—I'm glad the Attorney General is in the House; and my friend from Niagara Falls, because he would be familiar with this—is the issue of the Maters Mortgages people who have been in a case against the government of Ontario. They have had a couple of case managers to move their case along.

I should tell you, Mr Speaker, and you may be familiar with this, being from Hamilton, that the people were involved with what was called Falloncrest, or Maters Mortgages. These are people who made certain investments. The Ontario government intervened, and ultimately the people were out of pocket for a lot of money. We're into millions of dollars.

Many of these people are elderly. Some have passed on because of their age and because of illness and infirmity. They have been looking for an opportunity to have their case heard in court. They have simply been asking for fairness. They are dealing with taxpayer-financed government lawyers and their case has been stretched out over a number of years now.

What they would best like, probably, is an out-of-court settlement, where the government would make a generous offer and they would be able to accept it. That would end the court case. But the very least they are asking for, and I think something the government could agree to, is a fair court case: let it go to court; let it go to trial; let a decision be rendered by an impartial judge.

They have had two case managers now. These are judges who were brought in to move the case along. They had an opportunity to meet with the former Attorney General, James Flaherty, in Niagara Falls, I believe it was, or Niagara-on-the-Lake. I think they felt a bit heartened at that time that the case would be expedited through the courts so that whatever happened, they would know they had a fair day in court. Well, that got held up somewhat.

Now they are in a situation where they thought perhaps mediation would work; that is, you bring in a mediator, you bring the lawyers for the two sides together and you try to find some common ground to see if the problem can be solved. I know they met with Gerry Phillips as well, as the critic for the Liberal Party in the field of finance and financial institutions.

I don't know how the mediation has gone. I believe they were in mediation today. What I hope would have happened is that there would have been a coming together of the two sides to agree on points to go forward with into a trial. In other words, within the early part of next year it would go to trial, the evidence would be presented by both sides—because this is a civil action—there would be a decision rendered and we wouldn't have an appeal of that decision.

I hope we don't have the government still in a position of playing hardball with these people, because they have accumulated a lot of costs out of their own pockets to defend this civil case. As I say, many people have lost their life savings as a result of this, or a large portion of their life savings. Some who perhaps had accumulated some wealth through a lot of savings find themselves

today, I won't say destitute, although in some cases that might be the situation, but certainly with far less of an economic cushion than they would have had before. What I'm hoping is that the taxpayer-paid government lawyers are not playing hardball with these individuals, with this group, and that they're trying to find an accommodation which would be acceptable to both.

As I say, the one thing they would say to me and to anybody in this Legislature is that they should have a fair day in court. If the government wins, they would be very disappointed, obviously, and if they win, they would be delighted, obviously, but what they're looking for is a fair day in court where there are equals. I think they are hopeful that the mediation process might well produce an accommodation that would expedite the case and bring it to trial.

I hope that's the case. I have seen their hopes dashed on many occasions when they've been raised a bit by something that has happened—by a question I've asked in the House or perhaps a communication that has come back from the government—but from time to time they just seem to get one step forward and there are three steps back. I hope that isn't the case, and I hope the government hasn't forgotten them.

#### 1710

There's another case I want to talk about, an individual in my riding. The member for Niagara Centre and I attended an event at West Park high school in St Catharines. West Park Secondary School has a wonderful group of students, teachers and other staff and a wonderful community they draw from, and the event was a fundraiser for this individual. His name is Andy Gindroz. I can tell you that Andy has great spirit, a wonderful personality. He was in the hallway along with his parents and many friends, schoolmates and others. They had a silent auction there, they had music, they had tickets being sold, all of this to receive some treatment outside the country.

I know a lot of people come to all of us and say they would like treatment outside the country. The rule that OHIP follows, for the most part—I think almost always—is that if the treatment is available in Ontario, they will not pay for the treatment outside Ontario. This is a situation where it appears that the treatment is not available in Ontario. The member for Niagara Centre and I have explained to the parents—and they're very cognizant of this, very knowledgeable—that the most important component is a letter from medical authorities indicating clearly that this operation or these medical procedures cannot be done in Ontario and must be done elsewhere, and they have actually turned to the United States.

I'm going to share a letter with you. I don't think the parents would object to me or the member for Niagara Centre raising this matter in this way, because they've been very public about it; there have been some articles in the St Catharines Standard about it. It reads as follows:

"I am writing this letter on behalf of my family, our 18-year-old son Andy, my husband Alain and myself. Our ... physician, Dr Christina Plaskos and my uncle the



Honourable Mr Justice R.C. Rutherford"—have suggested that they come to me with this particular problem as the MPP for St Catharines. I know they've contacted Mr Kormos as the MPP representing the other part of the city of St Catharines. The high school Andy attends is in the riding of Mr Kormos.

"On September 25, 2001, Andy lost the vision in his right eye, and was diagnosed with an extremely serious and very complex brain tumour. He underwent extensive brain surgery on October 1, 2001, at the London Health Sciences Centre. This was performed in hopes of regaining his vision by decompressing the optic nerve. Unfortunately, Andy's vision could not be saved since the optic nerve had been damaged beyond repair.

"With Andy's very positive outlook and strong attitude he recovered from his craniotomy. However, he has not yet reached the end of this nightmare. The many specialists in London and Toronto who have examined and cared for Andy are unable to give this tumour a definitive name. Consequently, options for successful treatment for his condition are unknown.

"During his surgery at the London Health Sciences Centre small specimens of the lesion were biopsied in the hopes that the tumour could be identified and further treatment recommended. Because this lesion is displacing and encasing the internal carotid artery and is bony and very vascular, it becomes extremely difficult to biopsy any more than a minute amount of tissue. In fact, Andy had a second biopsy on February 27, 2002, with another surgeon at St Joseph's Hospital, also in London, with no better results. This specimen was sent to a pathologist in Pittsburgh for examination, only to be sent back confirming that the tumour is a bony vascular malformation and still unnamed. On June 3, 2002, at the Toronto General Hospital, a third endoscopic biopsy was performed. This surgery caused our family major grief and trauma! Andy severely hemorrhaged seven times and required a blood transfusion and hospitalization for 13 days. I'm sure, as you can well imagine, it has been a very frustrating and difficult time for all of us.

"As the tumour continues to grow, Andy's symptoms are rapidly increasing and becoming more of a concern as well as being a prime candidate for a stroke, we are therefore pursuing a lead in Iowa City at the University of Iowa Hospitals and Clinics for a second opinion.

"On behalf of our family, I am writing this letter respectfully asking for your assistance in helping us to receive approval for financial support from OHIP for any possible treatment options in the United States. As a first step, Dr Plaskos has written to OHIP asking for such support as well. I have enclosed her letter for your viewing.

"As a testament to Andy's positive spirit, I'm enclosing an article that was published in the St Catharines Standard on April 13, 2002."

By the way, that article outlined exactly the problem and brought the community together recognizing what that problem was.

"The three of us would like to thank you in advance, for any assistance you may be able to provide us as our MPP for St Catharines."

They go on to wish me well, but I'm going to tell you, I think everybody in this House would wish them well. This is a case, clearly, where there is not a treatment in Ontario. Even some people in the United States can't identify the problem. There are many people who are going to bring this to our attention in our own communities, but this appears to be a very clear case where action must be taken quickly. We all know the costs of medical care in the United States. It's high. There are some very competent people there, just as we have some outstanding physicians, outstanding staff, outstanding facilities here in Canada.

On behalf of the family, I share with members of this Legislature my hope that the Minister of Health, through his committee that looks at these situations and determines whether or not OHIP coverage is possible, will provide OHIP coverage, not only for some diagnostic work that has to be done, but also for any treatment that must take place, because this is unique, it's different, it's an individual situation.

I certainly plead on their behalf for this individual. If you could have attended and seen the people at West Park high school in St Catharines who had gathered together to raise money to help send Andy to the United States to receive some diagnosis and some potential treatment—they've already made some contributions, but you can only ask the community to give so much. They have generously shared their bounty, their donations. They have given items to be auctioned off and things of that nature.

I wanted to use this time to share those two instances with members of this House. It's our job as members to do that. I certainly ask on behalf of the Mater's Mortgages people and on behalf of the Gindroz family that assistance be provided by this government.

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I am very pleased to join in the debate with respect to the supply bill. I'm in favour of the Supply Act as proposed as it is the responsibility of an accountable government. We need to ensure that this important bill receives the authorization it needs from the Legislature so that the government can continue to spend responsibly. One of the reasons the Supply Act must be passed is to ensure that payments to the broader public sector can continue to be made. That encompasses payments for Ontario's vitally important health care sector, including nursing homes, hospitals, doctors and nurses. Health care, along with education and a clean, safe environment, is one of the priorities of this government.

Let me take a moment to talk about health care. As you know, the Commission on the Future of Health Care in Canada released its final report, entitled *Building on Values: The Future of Health Care in Canada* but informally known as the Romanow report, on November 28, 2002.

Our government believes the Romanow report is a first step toward the federal government paying more of

ts share of health care costs. However, it is not a final step. We appreciate the effort Mr Romanow has put into outlining the future direction of health care in this country. In many cases, he has recommended actions Ontario has already taken.

However, Ontario is concerned about the level and speed of additional funding Mr Romanow recommends. There is no extra money this year and very little next year. The health care funding needs across Canada are immediate. In Ontario, we have increased total health spending by \$8 billion since 1994-95, including almost \$2 billion this fiscal year alone.

1720

Mr Romanow's recommendation of increased funding in future years does nothing to address the shortfall in federal funding since the years 1994-95, or even this year. Next year's recommendations would yield \$3.5 billion more nationally, compared with the almost \$2-billion health spending increase in Ontario this year alone. As Premier Eves has said, it is not enough and not soon enough. Ontario estimates it will spend \$25.8 billion on health care in the year 2002-03, almost \$2 billion more than it did last year. If Mr Romanow's proposal for a new Canada health transfer were implemented today, Ontario's allocation would be about \$3.2 billion. Without any enrichment, that is only 12% of what Ontario will actually spend on health care this year alone.

If Mr Romanow's recommended enrichment of \$3.5 billion for all provinces was delivered this year—not next, as proposed—Ontario's allocation would increase by roughly \$1.3 billion to \$4.5 billion. That's about 17.4% of actual, currently planned Ontario health spending.

Even if Mr Romanow's full enrichment of \$6.5 billion nationally were made available to Ontario today, our total Canada health transfer allocation as proposed would only rise to \$5.6 billion, which is only 22% of what Ontario actually spends on health care. Furthermore, to get the \$6.5 billion in additional funding suggested in Mr Romanow's plan, health services would include home care and a catastrophic drug program. This expansion would place a tremendous burden on certain provinces, with even more pressure for higher health spending in the future. This situation is unacceptable to our government.

Having a universally accessible health care system that is available to all Ontarians where and when they need it is central to our quality of life and a key reason why people choose to live, work and raise a family in Ontario.

Health care remains a top priority for the people of Ontario and for this government. Our record on health care speaks for itself. In 1995-96, health care operating spending was \$17.6 billion. This year it is \$25.8 billion, which represents a 7.3% increase over last year alone.

Health base operating spending has increased faster than economic growth over the last two years. In 2000-01, health spending grew by 8.9% while the economy grew at 6%. Last year was even more dramatic. Health spending grew by 6.9%, at a time when the econ-

omy grew by only 2.4%. In 1995-96, health care base operating spending accounted for 38% of all government program spending. This number has grown to 47% in the years 2002-03.

Our government's increased investments have made a real difference by:

(1) Increasing the number of MRI machines in Ontario from 12 in 1995-96 to 43 this year. That also has benefited my riding of Barrie-Simcoe-Bradford, where we have that equipment not only at Southlake Regional Health Centre but also at Barrie's Royal Victoria Hospital.

(2) Building 20,000 new long-term-care beds and renovating an additional 16,000 long-term-care beds. In my riding of Barrie-Simcoe-Bradford we've seen significant increases in long-term-care beds. To name a few, at Victoria Village, which is a state-of-the-art project for seniors, there were 128 long-term-care beds granted, and we also have seen that happen in Bradford, West Gwillimbury, and in Barrie at Grove Park Home. We've being seen beds that have gone in there and a number of other homes that I would also care to mention. But that's been a significant increase in the city of Barrie, and also in the riding of Barrie-Simcoe-Bradford, with respect to the increase.

(3) Establishing the Trillium Gift of Life Network to double the rate of tissue and organ donation in Ontario by the year 2005.

(4) Expanding Ontario's Telehealth network province-wide, serving some 3,500 Ontarians every day.

(5) Introducing a province-wide flu vaccination program, administering some five million doses of the flu vaccine annually. I'm proud to say that I've received my flu vaccination.

(6) Finally, doubling the number of nurse practitioners in Ontario, particularly in underserved areas.

I'm also pleased, and I thank the Minister of Health and Long-Term Care, that the North Innisfil Health Centre recently began operating again, being staffed with a doctor and a nurse practitioner to serve the residents of north Innisfil and the residents encompassing Sandy Cove Acres. It's a tremendous initiative.

Also, by supporting the passage of the Supply Act, we can ensure that Ontarians' health care needs for this fiscal year will be met.

In the year 2002-03, the commitment continues. We're improving cancer care by increasing funding of \$50 million over three years to enhance the Ontario Cancer Research Network. An additional \$40 million will be allocated for new treatments for individuals with cancer and \$30 million to modernize and upgrade cancer radiation equipment.

I'm pleased to say that Royal Victoria Hospital is undergoing an expansion of their chemotherapy operation, increasing the square footage by around 10,000 square feet and working toward improving the service in the area with respect to cancer care treatment. They're also working with Cancer Care Ontario to receive support and approval with respect to a regional cancer



care centre which would provide radiation treatment to the region. That's something they're doing a lot of fundraising for in the area. I commend all the individuals involved in that fundraising, and also the staff at Royal Victoria Hospital for the hard work they've done and the steps that are being taken at the hospital in the process of providing a functional program, which they are undergoing right now, to work with Cancer Care Ontario to move toward receiving support and approval from the Ministry of Health.

Support for hospitals will increase to \$9.4 billion, allowing for the expansion of long-term priority programs such as cardiac services, dialysis and MRI scans. I was very pleased to see that in the city of Barrie, a kidney dialysis program was set up just off the old RVH hospital. It has been very successful. It has been used extensively. That kidney dialysis centre was something we brought forth a few years back. Also exciting news is the Southlake Regional Health Centre. Early next year they'll be looking at being the regional centre for cardiac care treatment, a tremendous initiative, along with the expansion of their hospital. That regional cardiac care service is going to be of tremendous benefit to my constituents in Barrie-Simcoe-Bradford, and we're looking forward to that opening.

There's also over \$250 million in additional funding for diagnostic services and payments to physicians and other practitioners, and nearly \$200 million to support residents in long-term-care facilities and to continue the expansion of long-term-care beds. I take the opportunity now to commend the hard work of the people at Victoria Village, the chairperson, Sam Cancelli, and all the other volunteers who work toward that program. They're coming very close to fruition with respect to bringing that project along. They are putting in place some tremendous initiatives: an adult daycare centre, a seniors' centre and also for the youth who will use that facility. It's also proceeding along nicely in terms of being of tremendous benefit to the entire community of Simcoe county.

On that note, I conclude my remarks. I thank the Minister of Health and Long-Term Care for his initiatives in the riding with respect to MRIs, kidney dialysis, the RVH hospital that was expanded and newly built a few years back, the chemotherapy expansion that's underway and their support with respect to bringing a regional cancer care centre to the area, and also the regional cardiac care treatment centre, which is going to be happening next year at Southlake Regional Health Centre. So there's a lot of work that's been done to bring health care services closer to home.

1730

**The Acting Speaker:** The floor is open for further debate.

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to join the debate on supply, which is essentially authorizing the government to be able to spend money. I think the public would be far more supportive if we hadn't seen over the last week three different reports. As I say to my business associates—no longer in business,

but the ones I knew in business—the thought of the Conservatives as money managers, frankly, is a bit of an urban myth.

I'd just like to quote a few things from the Provincial Auditor's report. I think the people of Ontario appreciate that this is an independent body engaged by the Legislature to oversee and monitor government spending. The auditor issued their report just last week, and if it wasn't so serious, it would be funny, some of the gross abuse of taxpayers' money that we saw in the report. I'll just give the public a few examples. You might want to get a copy of this book.

A company called Accenture: the government put a cap on their spending on this project of \$180 million; it can't spend any more. Well, Accenture was paid, according to the auditor, \$246 million, \$66 million more than the cap. It points out here that many of the managers said that the system Accenture brought in was a step back from what they previously had. So we spent hard-earned tax money, \$66 million more than was authorized, on a system that apparently was worse than the one that was there before.

We find that over half of the corporations in the province of Ontario are not even filing their corporate income tax returns—half of them. That, I might add, is up from 1995, when I think it was about one out of six; it's now one out of two that are not even filing their corporate income tax. The people of Ontario have every right to say, "Wait a minute. I'm paying my taxes. I work hard. My income taxes are deducted right off my paycheque. How can it be that half the corporations in Ontario aren't even filing their income tax?"

And it goes on. In the use of consultants, here's one consultant who was paid \$725 a day at April 2000, in May it went to \$1,800 and in September it was \$2,600 a day—a day. It points out that at the realty corporation here in the province of Ontario, there was a written agreement that a consultant would be paid \$210,000; they were paid over \$1 million, five times what the written agreement was. It says here that there were 40 employees laid off from the law-and-order ministry, and they came back within days as consultants, paid twice and three times what they were earning before. It points out that one consultant submitted a bid, the government mis-added the numbers and the person got the contract because the numbers were added up wrong.

So I say to the public, get a copy of this report if you want to dispel what I call this urban myth about these people being able to manage your money. It was the very next day that we got this report here, which is the Economic and Fiscal Outlook. Again, I'd urge the public to take a look at it. The debt of the province of Ontario now, according to this document, is \$112 billion. On March 31, 1995, which was a few months before the government took over, it was \$90 billion. It has gone up over \$21 billion, almost 25%. We've been through a period of solid economic growth, but the debt of the province is up almost \$22 billion, almost 25%. If you look at how much interest we're paying on the debt now, it's actually \$700

illion more than it was when these people came into office. What we find in the fiscal outlook is that the—

*Interjection.*

**Mr Phillips:** There goes Mr Guzzo. He loves to heckle, but he doesn't like to debate these issues. I'd say that the only way this government is going to balance its books this year is by selling off \$2 billion worth of some of the best assets in the province and they're going to use exactly the same format they used for the 407.

Let me just say to the people of Ontario: we got ripped off. The taxpayers, you hard-working people, got ripped off. Eves sold the 407 on May 5, 1999. I remember that because hours later the election was called. The 407 was purchased by the private sector. They put \$700 million of equity investment into it on May 5, 1999. Thirty months later, less than three years later, that \$700 million was worth \$3 billion. It is the most lucrative toll road in the world. Why? Because contrary to what was promised to the people of Ontario, there are no controls on the tolls. They can take the tolls up whatever they want.

I've heard people in Ajax say, "I kind of like the 407 coming out my way because I'm going to be able to use it." I say, "Have you any idea that it's going to cost you \$3,000 to \$4,000 a year to use that toll road?" That's a great favour to you. The toll road is coming out, but \$3,000 to \$4,000. If you want to drive from Ajax over into the centre of Toronto, it's going to cost you \$3,000 to \$4,000 a year. So I say, why did this happen? It was because the government needed a pile of cash the day the election was called and they sold the 407 users down the road.

We in the opposition are still fighting in court to get the details of that agreement, but the thing we do know is that the people who bought it have gotten rich beyond their wildest dreams. Can you imagine investing \$700 million and 30 months later it's worth \$3 billion? That's not a hypothetical number, because one of the owners sold off a quarter of their interest and recovered every single penny they had in it. They still own three quarters of their original equity in it and they've got all their money out.

I've said this before. For the life of me, when we talk about conflict of interest, I cannot understand why the government allows this. Mr Leach is a respected individual, a competent individual, but he sits on the board of SNC-Lavalin and the 407 corporation. SNC-Lavalin obviously loves him. He's paid \$25,000 a year as the director and \$100,000 a year as a retainer, and more power to him. He's doing very well. But Mr Eves then went and appointed him vice-chair of GO Transit. Every single decision GO Transit makes has a financial implication to the 407. SNC-Lavalin is redeveloping Union Station. Who is the biggest tenant in Union Station? GO. If this is not a conflict of interest in your mind, I don't know what is.

I checked the minutes. Mr Leach at one time declared a conflict on one issue; the same issue came back for debate several months later and he didn't declare a conflict. I just say to the government, I'm not blaming

Mr Leach, because the government appointed him. But I don't for the life of me understand how the government can accept that this is not a conflict of interest. I gather SNC-Lavalin is also bidding on the sale of Hydro One. Fine. But I cannot for the life of me understand how he can sit as the vice-chair of GO Transit when every decision GO makes will have financial implications of millions of dollars to the 407.

We're being asked to approve billions of dollars of spending tonight. I would feel negligent if I didn't point out to the public: don't assume these people know how to manage your finances; it's frankly, simply an urban myth.

1740

**Mr AL McDonald (Nipissing):** I'd like to say a few words in favour of the proposed Supply Act, which I believe is one of the most important bills passed in the Legislature. Passage of the Supply Act constitutes the statutory authorization by the Legislature of the government's spending program for the fiscal year. As such, it has far-reaching implications for the people of this province. Without spending authority, most payments to the broader public sector could not be made. I find it very interesting that the member opposite is arguing against this supply bill when it's close to Christmas and these individuals want to get paid; they want to buy Christmas gifts, and I don't understand why he would want to block this bill.

*Interjection.*

**Mr McDonald:** Mr Phillips, it is Christmastime. I think these employees need to get paid.

Without spending authority, most payments to the broader public sector cannot be made. That includes nursing homes, hospitals, doctors, municipalities, general welfare recipients, children's aid societies and supplier accounts. The Supply Act provides the Legislature with authority for spending from the estimates and supplementary estimates that have been put before this House and that have received concurrence of the House. We want to ensure that programs and services on which Ontarians depend, and which are run by members of the broader public service, are available when required.

We need to ensure that this important bill receives the authorization it needs from the Legislature so the government can continue to spend responsibly. However, part of being a fiscally responsible government means we must be accountable to the people of Ontario. We are responsible for ensuring that Ontario remains competitive and continues to grow and prosper.

As my colleague the honourable Minister of Finance recently announced in the 2002 Economic Outlook and Fiscal Review, Ontario's economy is in much better shape than many would have predicted at this time last year. What's more, there remain grounds for cautious optimism for the next 12 months, and we have reason for believing that economic growth, although it might be modest in the year to come, will continue to make Ontario an even better place to work, live, invest and raise a family.



Our government's record of reducing taxes and red tape has contributed to an environment in which businesses have invested, spurring economic growth and job creation. When it comes to jobs, we are particularly proud of this record. In July 2000, the government met the Common Sense Revolution's five-year goal of creating 725,000 new jobs. The government's Blueprint promise would help fuel the creation of 825,000 more new jobs over five years. Well, this government is keeping its promises. Employment rose by 32,300 in September. October saw the creation of another 20,300 net new jobs. In November, 12,800 additional new jobs were created. Since reaching the first target in July 2000, Ontario has created another 295,800 net new jobs. More significantly, in November we were very proud to announce that job creation in Ontario since 1995 has topped the one million mark. That is an amazing milestone.

Since our government's first throne speech in September 1995, our province has surpassed the one million mark, with 1,020,800 net new jobs. Ontario employment has grown by 19.9% during that time period, compared with 14.4% for the rest of Canada and 7.3% for the United States. More than 80% of the one million net new jobs are full-time positions. More than half the employment gains in November were full-time positions, which rose by 7,400.

Job growth has been the fastest for natural and applied science occupations, which have risen by 58%, or 171,000 new jobs. Likewise, jobs in businesses, finance and administrative occupations have grown by more than 12%, which translates into a little more than 127,000 new jobs. That's good news.

The best news is that new jobs have not been limited to one or two sectors. Over the past seven years, job creation has been spread across most industries in Ontario. Employment in the construction industry has increased by some 37%. Employment in the manufacturing sector has increased by about 30%. Jobs in the professional, scientific, and management service industries have grown by more than 40%. That's pretty impressive.

The demographics of job growth are equally impressive. Since 1995, women have gained 508,000 new jobs, or 51.4% of all job gains; men gained 479,700 new jobs, or 48.6%.

Ontario's spectacular record of job growth since September 1995 includes 147,000 net new jobs for young people aged 15-24, which make up 14% of all jobs created in Ontario. Youth employment gains in Ontario since 1995 have accounted for an impressive 44% of youth job growth in Canada. This is very significant, considering that Ontario counts for a 38% share of Canada's youth population. I'd like to proudly point out that youth job growth over the course of the past several years has been unbelievable. During 1998 to 2001, Ontario's youth gained 115,000 net new jobs. That is more than in any other four-year period on record. What's more, the job creation trend is continuing. In November, Ontario's youth gained 2,700 jobs, the fifth

consecutive month of youth job gains. In addition, the unemployment rate for youth edged downward to 13.6% in November from 13.7% in October. These numbers translate into great news for Ontario's youth, but our government is not content to rest. We want to make a great situation even better.

Since 1995, our government has almost doubled the number of young people involved in youth labour market programs under Youth Opportunities Ontario. I understand I'm running out of time, but I can tell you this is great news for Ontario and I'm very proud to stand up for the youth of our province.

**The Acting Speaker:** The time for debate has now expired.

Mr Stockwell has moved second reading of Bill 229, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending on March 31, 2003.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please indicate by saying "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1749 to 1759.*

**The Acting Speaker:** Members take their seats, please.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hardeman, Ernie	O'Toole, John
Barrett, Toby	Hastings, John	Ouellette, Jerry J.
Beaubien, Marcel	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Johnson, Bert	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
Cunningham, Dianne	Klees, Frank	Stockwell, Chris
DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wettlaufer, Wayne
Eves, Ernie	Miller, Norm	Wilson, Jim
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Wood, Bob
Gilchrist, Steve	Murdoch, Bill	Young, David
Gill, Raminder	Mushinski, Marilyn	
Guzzo, Garry J.	Newman, Dan	

**The Acting Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic	Di Cocco, Caroline	Martin, Tony
Bartolucci, Rick	Dombrowsky, Leona	Patten, Richard
Bisson, Gilles	Duncan, Dwight	Peters, Steve
Bountrogianni, Marie	Greetsen, John	Phillips, Gerry
Boyer, Claudette	Hampton, Howard	Prue, Michael
Bradley, James J.	Hoy, Pat	Ramsay, David
Bryant, Michael	Kormos, Peter	Ruprecht, Tony
Caplan, David	Kwinter, Monte	Sergio, Mario
Churley, Marilyn	Lalonde, Jean-Marc	Smitherman, George
Conway, Sean G.	Martel, Shelley	Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 52; the nays are 30.

**The Acting Speaker:** I declare the motion carried.

### SUPPLY ACT, 2002

#### LOI DE CRÉDITS DE 2002

Mrs Ecker moved third reading of the following bill:  
Bill 229, An Act to authorize the payment of certain amounts for the public service for the fiscal year ending on March 31, 2003 / Projet de loi 229, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2003.

**The Acting Speaker (Mr David Christopherson):** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please indicate by saying "aye."

All those opposed will please indicate by saying "nay."

In my opinion the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 1803 to 1813.*

**The Acting Speaker:** All those in favour of the motion will please rise and be recognized by the Clerk.

Cunningham, Dianne  
DeFaria, Carl  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda  
Eves, Ernie  
Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Klees, Frank  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McDonald, AL  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn

Stockwell, Chris  
Tascona, Joseph N.  
Tsubouchi, David H.  
Turnbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

**The Acting Speaker:** All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

#### Nays

Agostino, Dominic  
Bartolucci, Rick  
Bisson, Gilles  
Bountrogianni, Marie  
Boyer, Claudette  
Bradley, James J.  
Bryant, Michael  
Caplan, David  
Churley, Marilyn  
Conway, Sean G.

Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Gerretsen, John  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Kwinter, Monte  
Martel, Shelley  
Martin, Tony

Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario  
Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 53; the nays are 28.

**The Acting Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

It now being past 6 of the clock, this House stands adjourned until 6:45 this evening.

*The House adjourned at 1816.*

*Evening meeting reported in volume B.*

#### Ayes

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Beaubien, Marcel  
Chudleigh, Ted  
Clark, Brad  
Clement, Tony  
Coburn, Brian

Guzzo, Garry J.  
Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley

Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Runciman, Robert W.  
Sampson, Rob  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brant	Levac, Dave (L)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Mini- ster of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouv Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kingston Centre / -Centre	Wettlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Deputy Premier, Minister of Education vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (P) Minister of Transportation / ministre des Transports
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Public Safety and Security / ministre de la Sûreté et de la Sécurité publique
Dufferin-Peel- Wellington-Grey	<b>Eves, Hon / L'hon Ernie</b> (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (I) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universit ministre déléguée à la Condition fémin
Durham	O'Toole, John R. (PC)	London West / -Ouest	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (P) Chair of the Management Board of Cabinet, Minister of Culture / présiden du Conseil de gestion du gouvernemen
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Mississauga Centre / -Centre	Sampson, Rob (PC)
Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	<b>DeFaria, Hon / L'hon Carl</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre Scarborough East / -Est Scarborough Southwest / -Sud-Ouest	Mushinski, Marilyn (PC) Gilchrist, Steve (PC) <b>Newman, Hon / L'hon Dan</b> (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Mississauga South / -Sud Mississauga West / -Ouest Nepean-Carleton	Marland, Margaret (PC) Snobelen, John (PC) <b>Baird, Hon / L'hon John R.</b> (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt Scarborough-Rouge River Simcoe North / -Nord Simcoe-Grey	Phillips, Gerry (L) Curling, Alvin (L) Dunlop, Garfield (PC) <b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre Niagara Falls Nickel Belt Nipissing Northumberland	Kormos, Peter (ND) Maves, Bart (PC) Martel, Shelley (ND) McDonald, AL (PC) <b>Galt, Hon / L'hon Doug</b> (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Catharines St Paul's Stoney Creek  Stormont-Dundas-Charlottenburgh Sudbury Thornhill	Bradley, James J. (L) Bryant, Michael (L) <b>Clark, Hon / L'hon Brad</b> (PC) Minister of Labour / ministre du Travail Cleary, John C. (L)
Oak Ridges	<b>Klees, Hon / L'hon Frank</b> (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Thunder Bay-Atikokan Thunder Bay-Superior North / -Nord Timiskaming-Cochrane	Bartolucci, Rick (L) <b>Molinari, Hon / L'hon Tina R.</b> (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Oakville	<b>Carr, Hon / L'hon Gary</b> (PC) Speaker / Président	Timmins-James Bay / Timmins-Baie James	McLeod, Lyn (L) Gravelle, Michael (L)
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Third Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Troisième session, 37<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 12 December 2002

Jeudi 12 décembre 2002

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 12 December 2002

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 12 décembre 2002

*The House met at 1845.*

## ORDERS OF THE DAY

### ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS), 2002

### LOI DE 2002 SUR L'OBLIGATION DE RENDRE COMPTE DES DÉPENSES (MINISTRES ET CHEFS D'UN PARTI DE L'OPPOSITION)

Resuming the debate adjourned on December 9, 2002, on the motion for second reading of Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated December 10, 2002, I am now required to put the question.

On December 3, 2002, Mr Wilson moved second reading of Bill 216. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the order of the House dated December 10, 2002, the bill is ordered for third reading.

### ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS), 2002

### LOI DE 2002 SUR L'OBLIGATION DE RENDRE COMPTE DES DÉPENSES (MINISTRES ET CHEFS D'UN PARTI DE L'OPPOSITION)

Mr Tsubouchi moved third reading of the following bill:

Bill 216, An Act respecting access to information, the review of expenses and the accountability of Cabinet ministers, Opposition leaders and certain other persons / Projet de loi 216, Loi concernant l'accès à l'information ainsi que l'examen des dépenses et l'obligation de rendre

compte des ministres, des chefs d'un parti de l'opposition et de certaines autres personnes.

**The Acting Speaker (Mr David Christopherson):** Pursuant to the order of the House dated December 10, 2002, I am now required to put the question.

Is it the pleasure of House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I believe I have consent to move second and third reading of Bill Pr1.

**The Acting Speaker:** Is it agreed? Agreed.

### TILBURY AREA PUBLIC SCHOOL ACT (WILLIAM J. MILLER TRUST), 2002

Mr Hoy moved second reading of the following bill: Bill Pr1, An Act respecting the Tilbury Area Public School and the William J. Miller Trust.

**The Acting Speaker (Mr David Christopherson):** Is it the pleasure of the House that the motion carry? Carried.

Mr Hoy moved third reading of the following bill: Bill Pr1, An Act respecting the Tilbury Area Public School and the William J. Miller Trust.

**The Acting Speaker:** Is the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I believe I have unanimous consent to move second and third reading of Bill Pr17.

**The Acting Speaker:** Is it the pleasure of the House that the request be agreed? Agreed.

### REENA FOUNDATION ACT, 2002

Mr Arnott moved second reading of the following bill: Bill Pr17, An Act respecting the Reena Foundation.

**The Acting Speaker (Mr David Christopherson):** Is it the pleasure of the House that the motion carry? Carried.

Mr Arnott moved third reading of the following bill: Bill Pr17, An Act respecting the Reena Foundation.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.



Be it resolved that the bill do now pass and be entitled as in the motion.

## COLLISION REPAIR STANDARDS ACT, 2002

### LOI DE 2002 SUR LES NORMES DE RÉPARATION EN CAS DE COLLISION

Resuming the debate adjourned on December 11, 2002, on the motion for third reading of Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a complementary amendment to the Insurance Act / *Projet de loi 186, Loi visant à améliorer la sécurité sur les voies publiques et à protéger les consommateurs en réglementant le secteur de la réparation en cas de collision et à apporter une modification complémentaire à la Loi sur les assurances.*

**The Acting Speaker (Mr David Christopherson):** The floor is now open for debate.

**Mr Gilles Bisson (Timmins-James Bay):** I've had the occasion to look at this bill and to participate somewhat in committee in regard to the bill. I want to say at the outset that we generally support where this bill is going. We think it brings some long-due consumer protection to consumers across Ontario when it comes to collision repairs. We know there have been some issues, that consumers have felt they have been wronged by. What this bill purports to do is to give consumers a little bit of added protection when it comes to their vehicles that are involved—

*Interjection.*

**Mr Bisson:** I'm coming in a minute.

As I said, the bill gives an opportunity for the consumer to get some protection under when it comes to an accident. Basically, it will give the opportunity for the consumer, when there is an accident, first of all, to make sure that those who are in the business are certified, registered etc, and at the same time give the consumer the ability to choose their own certified repair person to work on their car.

Before we go any further, I want to make sure we have the complete attention of the House. I'd like to move adjournment of the House at this point.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

Those opposed will please say "nays."

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 1852 to 1922.*

**The Acting Speaker:** All those in favour of Mr Bisson's motion will please rise and remain standing. Thank you.

Those opposed to the motion will please rise and remain standing.

**Clerk of the House (Mr Claude L. DesRosiers):** The nays are 63; the ayes are 0.

**The Acting Speaker:** I with some confidence declare the motion lost.

**Mr Bisson:** That was a very close vote indeed. I'm heartened by the support I got against that motion.

I had the opportunity to go through this entire bill and I just want to put on the record a couple of things. First of all, as I said originally, we're going to support this bill. We think it provides a certain degree of consumer protection to people who come into contact with the auto repair industry. We do believe, however, there are some changes that could have been made to strengthen the bill. But at this late stage of the game you can't have everything that you want when it comes to a bill. I certainly support the direction it goes in, but I just want to speak very quickly to a couple of issues.

One of them is that the standards and requirements will help prevent operators with a licence who fail to pay their taxes and refuse to pay their workers' compensation premiums from operating. As New Democrats, we think that's important because we believe that, first of all, every operator should be respectful of the laws of Ontario when it comes to workers' compensation and health and safety, and of course everybody should pay their taxes. If you have somebody who's not doing that, that would be a violation of the act and it would basically put the operator in a position of having lost their licence.

The second part is that this particular bill will protect consumers from the high-pressure tactics that are often played by insurance companies when it comes to being forced to go to a particular shop, and we call that the preferred garage list or the preferred auto repair list. That is quite frustrating, because people often know—sometimes you'll be in a community where you've been dealing with a particular auto shop for some time and, for whatever reason, the insurance company decides that particular shop you've been dealing with is not on the list and you're barred as the insured person from being able to go to the shop of your choice. We think it's important that consumers do have choice when it comes to selecting their shop, and this is one part of the bill we agree with and think is not a bad idea.

Where I have a bit of concern is in the enforcement of the bill, and that's why I think it's important we have to have this debate tonight, because who knows, anything can happen in the Legislature. We could agree by way of unanimous consent at one point to put a few amendments to give the bill a few more teeth, because one of the concerns that I have is that we're going to be creating a board that basically is going to have the ability to hear complaints from consumers if they feel that they've not been done right by by the auto repair shop they've gone to. That consumer is going to be able to go to the board to raise that complaint, but what happens once the board has ruled I think is where the weakness is. We think there should be a little bit more toughness when it comes to the power that is given to the boards themselves.

I also think it's important that people understand why we're having this debate tonight.

**Mr Peter Kormos (Niagara Centre):** Why?

**Mr Bisson:** That's what I'm saying: I think it's important because we find ourselves here tonight debating a bill that, although we have some difficulty with it, at the end we're going to pass. We think debate is important in order to provide for an opportunity to hopefully get the government to accept a few late amendments by way of unanimous consent, but we find ourselves here because last night we had an opportunity as New Democrats, with the support of the Liberals, to put some pressure on the government, by way of tactics that we sometimes use in this House, to have a number of private members' bills passed. It's quite unfortunate, because I think, as I think most members do, private members' bills are an important component of what we do here in the Legislature. There are members of the Liberal caucus who have private members' bills, like Mr Colle, who has the puppy mill, and other members who have bills in this House in the Liberal caucus. I have a private member's bill, my good friend Marilyn Churley has the adoption bill, and a bunch of Conservative members have private bills as well.

As the opposition, being led by New Democrats, we were finally in a position to say, "We can exert some pressure on the government to try to force them into some kind of deal to allow some of the other private members' bills to pass." Unfortunately, because both the whip and the House leader of the Liberal Party decided to feather their own nests by making their own deals, we found ourselves in a position of having lost the floor last night when it came to the possibility of holding it up.

I think one of the unfortunate victims in this is Mr Colle, because Mr Colle has a bill that deals with puppy mills. I quite frankly would have been a lot happier to support Mr Colle's bill, because I think his bill went a lot further than the bill that we voted on here earlier this afternoon, and that's the reason I voted against the bill. I think it's rather unfortunate for Mr Colle to be put in that position. Because Mr Bartolucci, as the whip for the Liberals, decided to cook a deal to be able to pass his own private member's bill, he left Mr Colle to hang, who I think had a bill that was strong and that most members of the House would have supported. Certainly I have to believe that if we supported Mrs Munro's bill on the issue of puppy mills, we would have gotten support for Mr Colle's bill, which was even stronger, because this House has pronounced itself by a majority in supporting the concept of dealing with the issue of puppy mills. So it's rather unfortunate that the Liberal whip cooked a side deal and left his own caucus members out to dry when it comes to being able to deal with bills, and I think that's pretty terrible.

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The other thing I find a little bit awful is that we found ourselves in a position where, when this whole deal was coming down and pressure was being put on by the Conservative House leader to have the Liberals vote a certain way by not allowing the bells to be rung, the Liberals basically caved. I know in the process we had yesterday—and Mr Bradley was the go-between, I

imagine, between the Liberal leader's office and what was happening in the House when Mr Caplan had the floor—there was a message sent back that they should succumb to the pressures that were put forward by the Conservative Party. It's unfortunate, because I distinctly heard in this House yesterday, Mr Speaker, as you well know, that the government House leader threatened to slash the Liberal caucus budget if they rang bells in order to prolong debate last night, and I think that's rather unfortunate.

**Mr Ted Chudleigh (Halton):** You're disgusting.

**Mr Bisson:** I think what's disgusting is what your House leader did last night, but that's another story.

I think it's rather unfortunate, because bills like Bill 186 are important. Mr Sampson—and Mr Klees first—brought forward this particular bill, which I think is a good service to the consumers of Ontario. I respect Mr Sampson and Mr Klees for having brought forward this private member's bill. I think we should be passing more of these bills. I know Mr Klees is an honourable member. I have a lot of respect for him. I've worked with him on a number of things. I've worked with Mr Sampson. I think it's important that members have an ability to pass these bills.

Unfortunately, we find ourselves in a position sometimes, as we have far too often, where the government says, "Because we don't accept the adoption bill of Ms Churley, we're not going to make a deal with the New Democrats." Of course, we can't agree because we're in a Catch-22: if we don't get something as our caucus, how can we allow other bills to go?

What was rather unfortunate last night was that we were finally in a position—and this is the part that really made me mad last night and why, quite frankly, I went over the top. As I said last night, I apologize for that, because it was quite unbecoming as far as my decorum in the House. I got really mad last night because here we were finally in a position to exert pressure on the government, with both the Liberal caucus and the New Democratic caucus finally coming together to block what was happening in the House so that we could get a deal, so we could pass a private member's bill like Mr Colle's puppy mill bill and other private members' bills like Ms Churley's adoption bill. Because there was a deal cooked by the Liberal whip with the Conservative House leader, all the Liberal backbenchers who had bills got lost in that deal, all the Conservative backbenchers who had private members' bills got lost, and so did we as New Democrats. I had a bill, Mr Martin had a bill, Mr Prue had a bill—no, his was defeated; it was on rent control, that's right—and Ms Marilyn Churley of course lost her adoption bill. So it's rather unfortunate that we get into these situations.

I just wanted to put on the record tonight, because it's the only opportunity I have, that I think bills like Bill 186 are a true testament to what this House can do properly. I believe private members' bills are very important. I think they're one of the ways we can do legislation in this House that is a great service to the people of Ontario.



I want to personally thank Mr Klees and Mr Sampson for having brought this bill forward, because I think they're doing not only their constituents but my constituents a favour.

**Mr Kormos:** A very progressive bill.

**Mr Bisson:** It's a very progressive move—

**Mr Kormos:** Left wing.

**Mr Bisson:** I was going to get to that. It's a very progressive move on the part of this government, because this government originally came in—

**Mr Kormos:** This government? It was individuals.

**Mr Bisson:** Individuals, yes, to be fair. The mantra of the government has been, "We don't believe in regulation," and these two members agree that the proper thing is that sometimes we need to regulate industry in order to protect consumers. At least those two members, Mr Klees and Mr Sampson, figured out that it's important to pass some form of regulation to protect small business, to protect the consumer and to make sure you have a regime that is fair for both the business operators and the consumers. I really want to thank Mr Klees and Mr Sampson for having brought that forward because I think our society works better when we're able to do those kinds of things. It's a bit of a departure from where the government is going, because we know the government doesn't believe in regulation, but at least there are a few independent members there who feel it's important enough to do something.

I say again, it was rather unfortunate last night that both the Liberal House leader and the Liberal whip had to cook a deal that killed any possibility of passing any of the other Liberal private members' bills, any of the Tory backbenchers' bills and any of our bills. I think that's rather unfortunate. It's a little bit like the old saying—what do they say?—like somebody trying to feather their own nest. I look in the House and I say, oh, where is the Liberal whip tonight?

**Mr Kormos:** He's sleeping in his feathered nest.

**Mr Bisson:** Well, maybe the nest is comfortable tonight. I think that's rather unfortunate, because he got what he wanted last night, and he's gone. His colleagues I think would be upset. I know I was certainly upset. That's why I went over the top last night. I was livid on two points. I was livid on the point that it was an injustice to all members that the Liberal whip cooked a side deal to get his own bill, and froze out his Liberal colleagues and his counterparts in other parties. I was really mad about it. I think it's important that we allow bills like that to go forward. That's why I think it's important that the government finally come to its senses in this debate and say, "Listen, we should allow some of the other bills to go forward," rather than just using the government majority to do what they're doing here tonight.

But I want to get back to Bill 186 because there are a few points that need to be put on the record. I want to make sure that Mr Klees, at least, and Mr Sampson and other members who believe in this bill, as I and my colleagues in the New Democratic caucus believe, as I said in the beginning, that it is a step in the right

direction, progressive, a real left-wing thing to do. I appreciate that, but I think that maybe we didn't go far enough when it came to the enforcement provisions of this bill. I would much rather have had a provision that said if a consumer feels they've been wronged, because either the insurance company fails to comply with this legislation or the auto repair shop for whatever reason didn't do work to the satisfaction of the consumer, or feels the price is a little bit more than they should be paying—I would have liked to see something in this legislation with a few more teeth when it comes to being able to make sure that there is a deterrent for both the insurance company and the auto repair shop from doing wrong to the consumer.

I want to put on the record that most of the industry is very respectable. Quite frankly, most of the industry probably wouldn't even need this bill. I look at auto repair shops like Timmins Collision and Bouchard Collision and Dan's and others, and they do really good work. They're reputable business people. They care deeply about what they do. They're professionals about their jobs. They want to make sure that they give the best possible work to the consumer for the best possible price. Those people, I know, will do a good job. But every now and then, unfortunately, there are some unscrupulous people, or sometimes it could just be a question of incompetence. I think this bill would be much strengthened if the government would allow it to go into committee—at this point it would be difficult to get to committee of the whole, because we are in third reading, but if the government would allow a unanimous consent motion to be able to deal with trying to make a few amendments at the last moment. I'm going to be calling on the government to see if they're—we're going to give them another 30-minute opportunity by way of bells. I want you to understand that my calling later for adjournment of debate is not to be deleterious. I want you, Speaker, to understand that. It's to give the government a 30-minute opportunity to reflect on some of the suggestions I'm making in this debate tonight. Good bill, but let's put a few teeth in it when it comes to the enforcement provisions, when it comes to dealing with what might be an unscrupulous practice on the part of both the auto insurance industry and the auto repair industry.

The other thing is the collision repair advisory board. As far as its makeup, I would have been a little bit happier if we could have found a different way of structuring how that board is to be made up. I'm not going to condemn entirely the way you structured it in the bill. I think, again, it's better than nothing. I want to give Mr Klees and Mr Sampson the credit they deserve, because I know they worked hard on this. If Mr Klees still would have been not in cabinet, he would have advocated a committee. Thank God, he has a good colleague like Mr Sampson, who's prepared to carry this bill, because Mr Sampson has a lot of, I believe, experience in this kind of work. I think you could have picked no one better to help you put this bill forward than Mr Sampson. So I just say again that one of the pro-

sions I would like to see is, when it comes to the makeup of this board, that we'd have a little bit of a discussion, as we're having this 30-minute bell, to be able to deal with how to make sure that board is a little more representative. We can talk about that privately because we don't have enough time in debate.

I just want to say again, for the record, that it's rather unfortunate that we find ourselves in a position where the Liberal whip cooked himself a deal, basically froze out all his Liberal counterparts, when it came to being able to get a private member's bill. He feathered his own nest and he got his bill. We gave unanimous consent to that bill. This is the thing that has to be said. We were four members in this House and we agreed that Mr Bartolucci's bill should have passed. But then for him to turn on the New Democrats, who were here, fighting in order to make sure other members got their bills I think was rather unfortunate, because we thought Mr Bartolucci's bill was good. Our party gave unanimous consent. I thought we showed to the Liberal caucus that we were fair in our approach to trying to work out a strategy to exert some pressure on the government, and unfortunately, because Mr Bartolucci and Mr Duncan cooked a deal with the Conservative House leader, all the Liberal members got themselves frozen out when—

*Interjection.*

**Mr Bisson:** Oh, I was here last night. I think that's unfortunate.

So that we have proper time to have a little bit of discussion while we're still in this debate, I'm going to call for adjournment of the debate so that I'm able to talk to some of the other members about possible amendments to this bill.

**The Speaker (Hon Gary Carr):** The member has moved the adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1941 to 2011.*

**The Speaker:** Mr Bisson has moved adjournment of the debate.

All those in favour will please rise and remain standing.

All those opposed will please rise and remain standing.

**Clerk of the House:** The ayes are 0; the nays are 46.

**The Speaker:** I declare the motion lost. The member for Timmins-James Bay had the floor.

**Mr Bisson:** We seem to have lost 15, but that's all right. I just want to indicate to the House that I've had an opportunity to speak to both Mr Klees and Mr Sampson. I have some indication that they're prepared to give us some leeway on regulation in order to address some of the concerns we have with the bill. Again, I want to say that the bill is certainly a step in the right direction. It is going to provide for some consumer protection, and we as New Democrats believe that is an important com-

ponent of what we need to do here in representing our constituencies. I want to believe that Mr Klees and Mr Sampson are both honourable members and that they will accept the recommendations we're making when we go to regulation. Because of that spirit of co-operation, I would move unanimous consent—

**Mr Kormos:** Seek.

**Mr Bisson:** I know what I'm doing—move unanimous consent for third reading on this bill.

**The Speaker:** Is there unanimous consent? Agreed.

Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Frank Klees (Minister of Tourism and Recreation):** On a point of order, Mr Speaker: With your permission, because I did intend to speak, could I get unanimous consent to just make a remark on this bill?

**The Speaker:** Is there unanimous consent? Agreed. Minister?

**Hon Mr Klees:** First of all, I want to thank the members of the opposition for agreeing to that unanimous consent, and I want to thank my colleagues who didn't for the privilege.

The reason I wanted to say a couple of things is that this has been a six-year project on the part of many people. First of all, I want to thank my colleague Mr Rob Sampson, the member from Mississauga Centre, for agreeing to step in at a time when I was unable to carry the bill forward due to circumstances. I want to also acknowledge that when I first moved introduction of this bill, I did so at that time in honour of Mr Heinz Fuhrman, who is deceased but who was a stalwart and an advocate for the collision repair industry. At that time his wife, Kris, was in the audience here and she took great pride in the groundwork that her husband laid in preparation for a piece of legislation like this, because he advocated for many years to bring this kind of direction to this industry.

I want to thank all of the other people within the industry who worked with us over the last number of years to bring this legislation to this point, and I want to thank members of this House for supporting us today.

**Mr Bob Wood (London West):** On a point of order, Mr Speaker: With this spirit of unanimity breaking out, I seek unanimous consent for immediate second and third reading without debate of Bill 193, An Act to proclaim a day and a month to celebrate Hellenic heritage in Ontario, and for immediate third reading of Bill 113, An Act to honour firefighters who have died in the line of duty.

**The Speaker:** The member has asked for unanimous consent regarding Bills 193 and 113. Is there unanimous consent? I heard some noes.

**Mr Kormos:** On a point of order, Mr Speaker: I seek unanimous consent for second reading of Bill 222, An Act to proclaim Genocide Memorial Week in Ontario.

**The Speaker:** Mr Kormos has asked for unanimous consent on second reading of Bill 222. Is there unanimous consent? I heard some noes.



**Mr John O'Toole (Durham):** On a point of order, Mr Speaker: I seek unanimous consent for second reading and third reading of Bill 35. This is an act to proclaim Irish Heritage Day in Ontario.

**The Speaker:** Mr O'Toole has asked for unanimous consent for second and third reading of Bill 35. Is there unanimous consent? I'm afraid I heard some noes.

**Mr Bisson:** On a point of order, Mr Speaker: I would seek unanimous consent for two minutes in order to conclude the debate on the bill that we just passed. I asked for unanimous consent and I got it, but I would like to have a few minutes to put a couple of things on the record in regard to the bill.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

**Ms Marilyn Churley (Toronto-Danforth):** On a point of order, Mr Speaker: I'm asking for unanimous consent once again for third reading and a final vote on Bill 77, An Act—

*Interjections.*

**The Speaker:** You can read the title. Sorry.

**Ms Churley:** Sorry, Mr Speaker; I got distracted. The Adoption Disclosure Statute Law Amendment Act.

**The Speaker:** I thank the member. The member has asked for unanimous consent for third reading of Bill 77. Is there unanimous consent? I'm afraid I heard some noes.

**Mr Kormos:** On a point of order, Mr Speaker: I seek unanimous consent for third reading without debate of Bill 113, An Act to honour firefighters who have died in the line of duty.

**The Speaker:** We just did that, I'm afraid.

**Interjection:** There are two of them.

**The Speaker:** OK. He's asking for third reading of Bill 113. Is there unanimous consent? I'm afraid I heard some noes.

**Mr Joseph Spina (Brampton Centre):** On a point of order, Mr Speaker: I move third reading of Bill 117, Congenital Heart Defects Awareness Day Act.

**The Speaker:** You've asked for consent to move third reading of Bill 117. Is there unanimous consent? I heard some noes.

**Mr Wayne Wettlaufer (Kitchener Centre):** On a point of order, Mr Speaker: I would like unanimous consent to move third reading of Bill 140, An Act to proclaim Nikkei Heritage Day.

**The Speaker:** Mr Wettlaufer has asked for unanimous consent for reading of Bill 140. Is there unanimous consent? I'm afraid I heard some noes.

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**M. Bisson:** Appel au règlement, monsieur le Président: Je demanderais le consentement unanime pour passer la Loi 145, Loi modifiant la Loi sur les services en français pour prévoir que certains rapports sont disponibles simultanément en français et en anglais.

**The Speaker:** Mr Bisson has requested unanimous consent regarding Bill 145. Is there unanimous consent? I heard some noes.

**Mr O'Toole:** With your indulgence, Mr Speaker, I seek unanimous consent to move second and third reading of Bill 62, An Act proclaiming Physical Fitness Day.

**The Speaker:** Mr O'Toole has asked for unanimous consent for second and third reading of Bill 62. Is there unanimous consent? I'm afraid I heard some noes.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Mr Speaker, I seek unanimous consent for every bill that is on the order paper right now.

**The Speaker:** Is there unanimous consent? I heard some noes.

The member for Perth-Middlesex.

**Mr Bert Johnson (Perth-Middlesex):** I want to take this opportunity to seek the unanimous consent of the House to move third reading without debate of Bill 116, An Act to proclaim Archives Awareness Week.

**The Speaker:** The member has asked for unanimous consent for third reading of Bill 116. Is there unanimous consent? I heard some noes.

The government House leader.

**Hon Mr Stockwell:** I believe I have consent to move Bill Pr9 for second and third reading.

**The Speaker:** The minister has asked for consent for Bill Pr9. Is there unanimous consent? Agreed.

#### ELLIOTT ACT, 2002

Mr Arnott moved second reading of the following bill: Bill Pr9, An Act respecting The Elliott.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Mr Arnott moved third reading of the following bill: Bill Pr9, An Act respecting The Elliott.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** I believe I have consent to move second and third reading of Bill Pr11.

**The Speaker:** Mr Stockwell has requested unanimous consent for second and third reading of Bill Pr11. Is there unanimous consent? Agreed.

#### TOWN OF ERIN ACT, 2002

Mr Arnott moved second reading of the following bill: Bill Pr11, An Act respecting The Town of Erin.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

Mr Arnott moved third reading of the following bill: Bill Pr11, An Act respecting The Town of Erin.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** Mr Speaker, I would like to wish everyone a merry Christmas, a happy new year and happy holidays.

I move adjournment of the House.

**The Speaker:** Mr Stockwell has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

This House stands adjourned until Monday, March 17, 2003, at 1:30 of the clock.

*The House adjourned at 2024.*





**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / sous-greffière: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Agostino, Dominic (L)	Hamilton East / -Est	Chief opposition whip / whip en chef de l'opposition
Arnott, Ted (PC)	Waterloo-Wellington	Parliamentary assistant to the Deputy Premier and Minister of Education / adjoint parlementaire à la vice-première ministre et ministre de l'Éducation
<b>Baird, Hon / L'hon John R. (PC)</b>	Nepean-Carleton	Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Parliamentary assistant to the Minister of Agriculture and Food / adjoint parlementaire à la ministre de l'Agriculture et de l'Alimentation
Bartolucci, Rick (L)	Sudbury	Deputy opposition House leader / chef parlementaire adjoint de l'opposition
Beaubien, Marcel (PC)	Lambton-Kent-Middlesex	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Marie (L)	Hamilton Mountain	
Boyer, Claudette (Ind)	Ottawa-Vanier	
Bradley, James J. (L)	St Catharines	
<b>Brown, Michael A. (L)</b>	Algoma-Manitoulin	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Bryant, Michael (L)	St Paul's	
Caplan, David (L)	Don Valley East / -Est	Deputy opposition whip / whip adjoint de l'opposition
<b>Carr, Hon / L'hon Gary (PC)</b>	Oakville	Speaker / Président
<b>Christopherson, David (ND)</b>	Hamilton West / -Ouest	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Chudleigh, Ted (PC)	Halton	Parliamentary assistant to the Minister of Finance / adjoint parlementaire à la ministre des Finances
Churley, Marilyn (ND)	Toronto-Danforth	
<b>Clark, Hon / L'hon Brad (PC)</b>	Stoney Creek	Minister of Labour / ministre du Travail
Cleary, John C. (L)	Stormont-Dundas- Charlottenburgh	
<b>Clement, Hon / L'hon Tony (PC)</b>	Brampton West-Mississauga / Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
<b>Coburn, Hon / L'hon Brian (PC)</b>	Ottawa-Orléans	Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement
Colle, Mike (L)	Eglinton-Lawrence	
Conway, Sean G. (L)	Renfrew-Nipissing-Pembroke	
Cordiano, Joseph (L)	York South-Weston / York-Sud-Weston	
Crozier, Bruce (L)	Essex	
<b>Cunningham, Hon / L'hon Dianne (PC)</b>	London North Centre / London-Centre-Nord	Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Curling, Alvin (L)	Scarborough-Rouge River	



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>DeFaria, Hon / L'hon Carl</b> (PC)	Mississauga East / -Est	Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
Di Cocco, Caroline (L)	Sarnia-Lambton	
Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
Duncan, Dwight (L)	Windsor-St Clair	Opposition House leader / chef parlementaire de l'opposition
Dunlop, Garfield (PC)	Simcoe North / -Nord	Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales
<b>Ecker, Hon / L'hon Janet</b> (PC)	Pickering-Ajax-Uxbridge	Minister of Finance / ministre des Finances
<b>Elliott, Hon / L'hon Brenda</b> (PC)	Guelph-Wellington	Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance
<b>Eves, Hon / L'hon Ernie</b> (PC)	Dufferin-Peel-Wellington-Grey	Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales
<b>Flaherty, Hon / L'hon Jim</b> (PC)	Whitby-Ajax	Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
<b>Galt, Hon / L'hon Doug</b> (PC)	Northumberland	Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement
Gerretsen, John (L)	Kingston and the Islands / Kingston et les îles	
Gilchrist, Steve (PC)	Scarborough East / -Est	Parliamentary assistant to the Minister of the Environment and Energy and government House leader / adjoint parlementaire au ministre de l'Environnement et de l'Énergie et leader parlementaire du gouvernement
Gill, Raminder (PC)	Bramalea-Gore- Malton-Springdale	Parliamentary assistant to the Premier and Minister of Intergovernmental Affairs / adjoint parlementaire au premier ministre et ministre des Affaires intergouvernementales
Gravelle, Michael (L)	Thunder Bay-Superior North / -Nord	
Guzzo, Garry J. (PC)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	
Hampton, Howard (ND)	Kenora-Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie (PC)	Oxford	Parliamentary assistant to the Minister of Community, Family and Children's Services / adjoint parlementaire à la ministre des Services à la collectivité, à la famille et à l'enfance
Hastings, John (PC)	Etobicoke North / -Nord	Parliamentary assistant to the Minister of Citizenship, minister responsible for seniors / adjoint parlementaire au ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées
<b>Hodgson, Hon / L'hon Chris</b> (PC)	Haliburton-Victoria-Brock	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Hoy, Pat (L)	Chatham-Kent Essex	
<b>Hudak, Hon / L'hon Tim</b> (PC)	Erie-Lincoln	Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Jackson, Cameron (PC)	Burlington	
<b>Johns, Hon / L'hon Helen</b> (PC)	Huron-Bruce	Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
<b>Johnson, Bert</b> (PC)	Perth-Middlesex	Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative
Kells, Morley (PC)	Etobicoke-Lakeshore	Parliamentary assistant to the Minister of Municipal Affairs and Housing / adjoint parlementaire au ministre des Affaires municipales et du Logement
Kennedy, Gerard (L)	Parkdale-High Park	
<b>Klees, Hon / L'hon Frank</b> (PC)	Oak Ridges	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Kormos, Peter (ND)	Niagara Centre / -Centre	New Democratic Party House leader / chef parlementaire du Nouveau Parti démocratique
Kwinter, Monte (L)	York Centre / -Centre	
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	
Levac, Dave (L)	Brant	
Marchese, Rosario (ND)	Trinity-Spadina	
Marland, Margaret (PC)	Mississauga South / -Sud	
Martel, Shelley (ND)	Nickel Belt	
Martin, Tony (ND)	Sault Ste Marie	
Martiniuk, Gerry (PC)	Cambridge	
Maves, Bart (PC)	Niagara Falls	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports
Mazzilli, Frank (PC)	London-Fanshawe	Parliamentary assistant to the Attorney General and Minister responsible for Native Affairs / adjoint parlementaire au procureur général et ministre délégué aux Affaires autochtones
McDonald, AL (PC)	Nipissing	Parliamentary assistant to the Minister of Enterprise, Opportunity and Innovation / adjoint parlementaire au ministre de l'Entreprise, des Débouchés et de l'Innovation
McGuinty, Dalton (L)	Ottawa South / -Sud	Leader of the Opposition / chef de l'opposition
McLeod, Lyn (L)	Thunder Bay-Atikokan	
McMeekin, Ted (L)	Ancaster-Dundas-Flamborough- Aldershot	
Miller, Norm (PC)	Parry Sound-Muskoka	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
<b>Molinari, Hon / L'hon Tina R. (PC)</b>	Thornhill	Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Munro, Julia (PC)	York North / -Nord	Parliamentary assistant to the Chair of the Management Board of Cabinet and Minister of Culture / adjointe parlementaire au président du Conseil de gestion du gouvernement et ministre de la Culture
Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	Parliamentary assistant to the Minister of the Environment and government House leader / adjoint parlementaire au ministre de l'Environnement et leader parlementaire du gouvernement
Mushinski, Marilyn (PC)	Scarborough Centre / -Centre	Parliamentary assistant to the Minister of Training, Colleges and Universities and Minister responsible for Women's Issues / adjointe parlementaire à la ministre de la Formation et des Collèges et Universités et ministre déléguée à la Condition féminine
<b>Newman, Hon / L'hon Dan (PC)</b>	Scarborough Southwest / -Sud-Ouest	Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Ouellette, Hon / L'hon Jerry J. (PC)</b>	Oshawa	Minister of Natural Resources / ministre des Richesses naturelles
Parsons, Ernie (L)	Prince Edward-Hastings	
Patten, Richard (L)	Ottawa Centre / -Centre	
Peters, Steve (L)	Elgin-Middlesex-London	
Phillips, Gerry (L)	Scarborough-Agincourt	
Prue, Michael (ND)	Beaches-East York	
Pupatello, Sandra (L)	Windsor West / -Ouest	
Ramsay, David (L)	Timiskaming-Cochrane	
<b>Runciman, Hon / L'hon Robert W. (PC)</b>	Leeds-Grenville	Minister of Public Safety and Security / ministre de la Sûreté et de la Sécurité publique
Ruprecht, Tony (L)	Davenport	
Sampson, Rob (PC)	Mississauga Centre / -Centre	
Sergio, Mario (L)	York West / -Ouest	Deputy opposition whip / whip adjoint de l'opposition



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Smitherman, George (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	
Snobelen, John (PC)	Mississauga West / -Ouest	
Sorbara, Greg (L)	Vaughan-King-Aurora	
Spina, Joseph (PC)	Brampton Centre / -Centre	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
<b>Sterling, Hon / L'hon Norman W. (PC)</b>	Lanark-Carleton	Minister of Transportation / ministre des Transports
Stewart, R. Gary (PC)	Peterborough	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
<b>Stockwell, Hon / L'hon Chris (PC)</b>	Etobicoke Centre / -Centre	Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement
Tascona, Joseph N. (PC)	Barrie-Simcoe-Bradford	Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises
<b>Tsubouchi, Hon / L'hon David H. (PC)</b>	Markham	Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
<b>Turnbull, Hon / L'hon David (PC)</b>	Don Valley West / -Ouest	Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation
Wettlaufer, Wayne (PC)	Kitchener Centre / -Centre	Parliamentary assistant to the Minister of Tourism and Recreation / adjoint parlementaire au ministre du Tourisme et des Loisirs
<b>Wilson, Hon / L'hon Jim (PC)</b>	Simcoe-Grey	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
<b>Witmer, Hon / L'hon Elizabeth (PC)</b>	Kitchener-Waterloo	Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Wood, Bob (PC)	London West / -Ouest	Parliamentary assistant to the Minister of Public Safety and Security / adjoint parlementaire au ministre de la Sécurité et de la Sécurité publique
<b>Young, Hon / L'hon David (PC)</b>	Willowdale	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones

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Règlements et projets de loi d'intérêt privé**

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Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted  
McMeekin, Bill Murdoch, Wayne Wettlaufer  
Clerk / Greffier: Katch Koch

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